United Nations A/HRC/32/L.17

General Assembly

Distr.: Limited
24 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 5
Human rights bodies and mechanisms

Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea,* Ecuador, Eritrea,* Mexico, Nicaragua,* Philippines, Venezuela (Bolivarian Republic of): draft resolution

32/... The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, as well as by the Economic and Social Council,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 6/13 of 28 September 2007, 10/4 of 25 March 2009, 10/29 of 27 March 2009, 13/17 of 25 March 2010, 16/26 of 25 March 2011, 19/24 of 23 March 2012, 24/25 of 27 September 2013, 26/28 of 27 June 2014 and 29/19 of 2 July 2015,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum;

2. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the

* State not a member of the Human Rights Council

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ongoing globalization process and the negative impact of the current economic and financial crises;

3. *Stresses* the need for increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

4. *Decides* that the Social Forum will meet for three working days in 2017, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and also decides that, at its next meeting, the Forum should focus on the promotion and protection of human rights in the context of the HIV epidemic and other communicable diseases and epidemics;

5. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2017 Social Forum, bearing in mind the principle of regional rotation;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to make available the most recent and relevant United Nations reports and documents on the promotion and protection of human rights in the context of the HIV epidemic and other communicable diseases and epidemics as background documents for the dialogues and debates that will be held at the 2017 Social Forum;

7. *Requests* the High Commissioner to facilitate the participation in the 2017 Social Forum in order to contribute to interactive dialogues and debate at the Forum and to assist the Chairperson-Rapporteur as resource persons, of no fewer than 10 experts, including representatives of civil society and grass-roots organizations in developing countries and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

8. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, as well as representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council, and will also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

9. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, in particular, representatives of persons with disabilities, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

10. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum and to take all practical measures required for the success of this initiative;

11. *Invites* the 2017 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council at its thirty- seventh session;

12. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

13. *Encourages* all Member States to participate in the discussions of the Social Forum so that worldwide representation in the debates can be ensured;

14. *Decides* to continue consideration of this issue at its thirty- fifth session under the same agenda item.

United Nations A/HRC/32/L.18

General Assembly

Distr.: Limited
24 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 5
Human rights bodies and mechanisms

Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea,* Ecuador, El Salvador, Eritrea,* Nicaragua,* Sudan,* Venezuela (Bolivarian Republic of), Viet Nam: draft resolution

32/... Declaration on the Right to Peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right of peoples to peace adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

1. *Adopts* the Declaration on the Right to Peace, as contained in the annex to the present resolution;

2. *Recommends* that the General Assembly, in accordance with paragraph 5(c) of its resolution 60/251 of 15 March 2006, adopt the following draft resolution:

"*The General Assembly*,

Welcoming the adoption by the Human Rights Council, through its resolution of the Declaration on the Right to Peace,

1. *Adopts* the Declaration on the Right to Peace, as contained in the annex to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof.

* State not a member of the Human Rights Council.

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Annex

Declaration on the Right to Peace

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Vienna Declaration and Programme of Action,

Recalling also the Declaration on the Right to Development, the United Nations Millennium Declaration, including the Sustainable Development Goals, and the 2005 World Summit Outcome,

Recalling further the Declaration on the Preparation of Societies for Life in Peace, the Declaration on the Right of Peoples to Peace and the Declaration and Programme of Action on a Culture of Peace, and other international instruments relevant to the subject of the present declaration,

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also that the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations solemnly proclaimed the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations; the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter; the duty of States to cooperate with one another in accordance with the Charter; the principle of equal rights and self-determination of peoples; the principle of the sovereign equality of States; and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

Reaffirming the obligations of all Member States, as enshrined in the Charter, to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Acknowledging that the fuller development of a culture of peace is integrally linked to the realization of the right of all peoples, including those living under colonial or other forms of alien domination or foreign occupation, to self-determination enshrined in the Charter and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Convinced that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter, as stated in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in General Assembly resolution 2625 (XXV) of 24 October 1970,

Recognizing the importance of the settlement of disputes or conflicts through peaceful means,

Deeply deploring all acts of terrorism, recalling that the Declaration on Measures to Eliminate International Terrorism recognizes that acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations and may pose a threat to international peace and security, jeopardize friendly relations among States, threaten the territorial integrity and security of States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society, and reaffirming that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed,

Stressing that all measures taken in the fight against terrorism must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law, as well as those enshrined in the Charter,

Urging all States that have not yet done so to consider, as a matter of priority, becoming parties to international instruments related to terrorism,

Reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are complementary and mutually reinforcing,

Reaffirming also the determination of the peoples of the United Nations as expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to promote social progress and better standards of life in larger freedom, and to practice tolerance and live together in peace with one another as good neighbours,

Recalling that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recognizing that peace is not only the absence of conflict but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, and socioeconomic development is ensured,

Recalling that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and recognizing that peace is promoted through the full enjoyment of all inalienable rights derived from the inherent dignity of all human beings,

Recalling also that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Recalling further the world commitment to eradicate poverty and to promote sustained economic growth, sustainable development and global prosperity for all, and the need to reduce inequalities within and among countries,

Recalling the importance of the prevention of armed conflict in accordance with the purposes and principles of the Charter and of the commitment to promote a culture of prevention of armed conflict as a means of effectively addressing the interconnected security and development challenges faced by peoples throughout the world,

Recalling also that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women, on equal terms with men in all fields,

Reaffirming that, since wars begin in the minds of human beings, it is in the minds of human beings that the defence of peace must be constructed, and recalling the importance of the settlement of disputes or conflicts through peaceful means,

Recalling the need for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs,

Recalling also that development assistance and capacity-building based on the principle of national ownership in post-conflict situations should restore peace through rehabilitation, reintegration and reconciliation processes involving all those engaged, and recognizing the importance of the peacemaking, peacekeeping and peacebuilding activities of the United Nations for the global pursuit of peace and security,

Recalling further that the culture of peace and the education of humanity for justice, liberty and peace are indispensable to the dignity of human beings and constitute a duty that all nations must fulfil in a spirit of mutual assistance and concern,

Reaffirming that the culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life, as identified in the Declaration on a Culture of Peace, and that all this should be fostered by an enabling national and international environment conducive to peace,

Recognizing the importance of moderation and tolerance as values contributing to the promotion of peace and security,

Recognizing also the important contribution that civil society organizations can make in building and preserving peace, as well as in strengthening a culture of peace,

Stressing the need for States, the United Nations system and other relevant international organizations to allocate resources to programmes aimed at strengthening a culture of peace and upholding human rights awareness through training, teaching and education,

Stressing also the importance of the contribution of the United Nations Declaration on Human Rights Education and Training to the promotion of a culture of peace,

Recalling that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding, are among the best guarantees of international peace and security,

Recalling also that tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human, as well as the virtue that makes peace possible and contributes to the promotion of a culture of peace,

Recalling further that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of a society as a whole and within a democratic framework based on the rule of law would contribute to the strengthening of friendship, cooperation and peace among peoples and States,

Recalling the need to design, promote and implement, at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the

realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance,

Recognizing that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts,

Inviting solemnly all stakeholders to guide themselves in their activities by recognizing the high importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations of the world as a means to promote peace; to that end, present generations should ensure that both they and future generations learn to live together in peace with the highest aspiration of sparing future generations the scourge of war,

Declares the following:

Article 1

Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized.

Article 2

States should respect, implement and promote equality and non-discrimination, justice and the rule of law and guarantee freedom from fear and want as a means to build peace within and between societies.

Article 3

States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the present Declaration, in particular the United Nations Educational, Scientific and Cultural Organization. International, regional, national and local organizations and civil society are encouraged to support and assist in the implementation of the present Declaration.

Article 4

International and national institutions of education for peace shall be promoted in order to strengthen among all human beings the spirit of tolerance, dialogue, cooperation and solidarity. To this end, the University for Peace should contribute to the great universal task of educating for peace by engaging in teaching, research, post-graduate training and dissemination of knowledge.

Article 5

Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations. The provisions included in the present Declaration are to be understood in line with the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international and regional instruments ratified by States.

United Nations A/HRC/32/L.19

General Assembly

Distr.: Limited
29 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Austria,* Argentina,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Denmark,* Fiji,* Finland,* Ghana, Honduras,* Iceland,* Liechtenstein,* Luxembourg,* Montenegro,* Norway,* Paraguay, Russian Federation, Spain,* Switzerland, Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland: draft resolution

32/... Business and human rights: improving accountability and access to remedy

The Human Rights Council,

Recalling its resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011, 21/5 of 27 September 2012 and 26/22 of 27 June 2014, and Commission on Human Rights resolution 2005/69 of 20 April 2005, on the issue of human rights and transnational corporations and other business enterprises,

Recalling in particular that the endorsement of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address adverse human rights impacts from business activities, based on the three pillars of the United Nations "Protect, Respect and Remedy" framework,

Stressing that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights,

Concerned at legal and practical barriers to remedies for victims of business-related human rights abuses, which may leave those aggrieved without opportunity for effective remedy, including through judicial and non-judicial avenues,

* State not a member of the Human Rights Council.

Expressing concern at reports of intimidation against victims, witnesses and their legal representatives regarding cases of business-related human rights abuses, and emphasizing the need to ensure their safety,

Reaffirming that, as part of their duty to protect against business-related human rights abuses, States should take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses are committed within their territory and or jurisdiction, those affected have access to effective remedy, as set forth in the Guiding Principles,

Reaffirming in particular that effective judicial mechanisms are at the core of ensuring access to remedy and that States should take appropriate steps to ensure the effectiveness of such mechanisms when addressing business-related human rights abuses, including in cross-border cases,

Recalling that States should provide effective and appropriate non-judicial grievance mechanisms as part of a comprehensive State-based system of remedy for business-related human rights abuses, and that such mechanisms play an essential role in complementing and supplementing judicial mechanisms,

Recognizing that addressing legal and practical barriers to accountability and remedy for victims of business-related abuse requires concerted and comprehensive efforts from all States, including, as appropriate, the development of legislative and regulatory frameworks, improvements in the functioning of judicial mechanisms, law enforcement, the development of policy and of practice, transparency and closer international cooperation, including in cross-border cases,

Recognizing also the positive and valuable role played by civil society, including non-governmental organizations, in the promotion and protection of human rights, including in the context of corporate activity and when seeking accountability and assisting victims in their access to effective remedies in cases of business-related human rights abuses, and reaffirming that States are under the obligation to protect all human rights and the fundamental freedoms of all persons,

Recognizing further the important role of national human rights institutions in supporting the effective implementation of the Guiding Principles, including regarding access to remedy, by all relevant stakeholders,

Recalling that business enterprises should comply with national laws and with the requirements of judicial processes, address any adverse human rights impact they cause or contribute to, and not engage in any actions that might weaken the integrity of judicial processes,

Recognizing the shared interest of business, States and civil society in an environment that is pluralistic and non-discriminatory, upholding the rule of law and promoting transparency, and that responsible business enterprises benefit from and often depend upon legal certainty, transparency and predictability, and fair and effective domestic judicial mechanisms,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse, and the recommendations contained therein, and the annex thereto on improving corporate accountability and access to judicial remedy for business-related human rights abuse; [1]

[1] A/HRC/32/19 and Add.1.

2. *Recognizes* that the effective implementation of the Guiding Principles on Business and Human Rights includes implementation of the access to remedy pillar, and encourages all States to take appropriate steps to improve corporate accountability and access to remedy for victims of business-related human rights abuses, also by creating and maintaining an enabling environment for civil society, including non-governmental organizations and those engaged in the promotion and protection of human rights and fundamental freedoms, aimed at enhancing dialogue and cooperation between all relevant stakeholders;

3. *Encourages* States to consider undertaking a review of the coverage and effectiveness of domestic law regimes that are related to respect by business enterprises for human rights with a view to improving accountability and access to effective remedy in cases of business involvement in human rights abuses, taking into account the legal and practical challenges arising from the organization and management of business enterprises and complex global supply chains and, as appropriate, drawing from the annex to the report of the High Commissioner;

4. *Also encourages* States to develop a comprehensive strategy for improving accountability and access to remedy, including by using the annex to the report of the High Commissioner[1] and in a manner appropriate to local legal structures, traditions, challenges and needs, for instance as a part of national action plans on business and human rights and through other related initiatives;

5. *Further encourages* States to take steps to improve the effectiveness of international cooperation between State agencies and judicial bodies with respect to law enforcement of domestic legal regimes to address business-related human rights abuses;

6. *Invites* regional and international bodies responsible for promoting and facilitating international cooperation with respect to cross-border investigation, legal assistance and enforcement of judicial decisions to take steps to improve the speed and effectiveness of such cooperation in cross-border cases of business-related human rights abuses through legal, practical and capacity-building means;

7. *Calls upon* all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles, including for example by actively contributing to initiatives aimed at fostering a culture of respect for the rule of law, participating in good faith in domestic judicial processes, and by establishing effective operational-level mechanisms to enable the early resolution of grievances;

8. *Encourages* business enterprises to share publicly information regarding their human rights policies and procedures to enhance stakeholder engagement with respect to business operations and the preventative measures that businesses can take;

9. *Recognizes* the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in promoting effective implementation of the Guiding Principles, including the access to remedy pillar, and encourages the Working Group to promote and use the report and the annex thereto,[1] as appropriate, in all relevant activities, including in its guidance on the development and implementation of effective national action plans and in relation to State-owned enterprises;

10. *Welcomes* the role of the Working Group in guiding the annual Forum on Business and Human Rights and in convening regional forums to discuss challenges and lessons learned in a regional context, and invites the Working Group to include challenges, opportunities and lessons learned when improving accountability and access to judicial remedy for business-related human rights abuse as an item on the agenda of the annual Forum in 2016;

11. *Requests* the High Commissioner to convene two open consultations involving representatives of States and other stakeholders on the report in 2017, dedicating the first consultation to analysing best practices and how to improve the effectiveness of cross-border cooperation between State agencies and judicial bodies with respect to law enforcement, to submit a report thereon to the Human Rights Council at its thirty-fifth session, and the second consultation on the topics covered in paragraphs 3 to 5 above, and to submit a final report on steps taken by States on improving accountability and access to remedy to the Council at its thirty-eighth session;

12. *Also requests* the High Commissioner to identify and analyse lessons learned, best practices, challenges and possibilities to improve the effectiveness of State-based non-judicial mechanisms that are relevant for the respect by business enterprises for human rights, including in a cross-border context, and to submit a progress report thereon before the thirty-fifth session of the Human Rights Council, and the final report thereon to be considered by the Council at its thirty-eighth session;

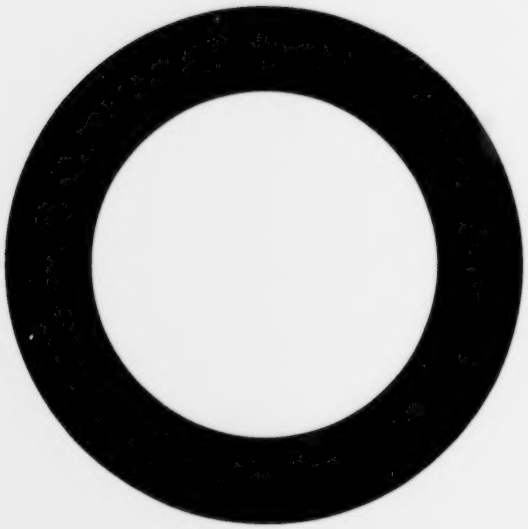
13. *Encourages* all relevant United Nations programmes and agencies to assist States upon their requests, including through technical cooperation and capacity-building activities, and to improve accountability and access to remedy for victims of business-related human rights abuses by using, as appropriate, the recommendations contained in the report;[1]

14. *Encourages* national human rights institutions to promote and use the recommendations in supporting States and in any other activities relating to improving accountability and access to judicial remedy for victims of business-related human rights abuses;

15. *Encourages* civil society, including non-governmental organizations, to promote and use the advice in the report as appropriate in their activities to improve accountability and access to judicial remedy for victims of business-related human rights abuse;

16. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business-related human rights abuses, and to inform further deliberations of the Human Rights Council on business and human rights;

17. *Decides* to continue its consideration of this question in conformity with its annual programme of work.



United Nations A/HRC/32/L.20

General Assembly

Distr.: Limited
27 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Brazil,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia,* Fiji,* Finland,* France, Georgia, Germany, Greece,* Haiti,* Honduras,* Hungary,* Iceland,* Ireland,* Italy,* Japan,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Montenegro,* Netherlands, Nigeria, Norway,* Paraguay, Poland,* Portugal, Republic of Moldova,* Romania,* Senegal,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Tunisia,* Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

32/... The promotion, protection and enjoyment of human rights on the Internet

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolution 20/8 of 5 July 2012 and 26/13 of 26 June 2014, on the promotion, protection, and enjoyment of human rights on the Internet, as well as resolutions 12/16 of 2 October 2009, on freedom of opinion and expression, 28/16 of 24 March 2015, on the right to privacy in the digital age, and 23/2 of 13 June 2013, on the role of freedom of opinion and expression in women's empowerment, and also recalling General Assembly resolutions 68/167 of 18 December 2013 and 69/166 of 18 December 2014, on the right to privacy in the digital age, 70/184 of 22 December 2015, on information and communications technologies for development, and 70/125 of 16 December 2015, containing the outcome

* State not a member of the Human Rights Council.

document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] and recognizing that the spread of information and communications technology and global interconnectedness has great potential to accelerate human progress, to bridge the digital divide and to develop knowledge societies,

Taking note of the Global Multi-stakeholder Meeting on the Future of Internet Governance, held in São Paulo on 23 and 24 April 2014, which acknowledged, inter alia, the need for human rights to underpin Internet governance and that rights that people have offline must also be protected online,

Taking note also of the previous sessions of the Internet Governance Forum, including the most recent meeting, held in João Pessoa, from 10 to 13 November 2015,

Noting that the exercise of human rights, in particular the right to freedom of expression, on the Internet is an issue of increasing interest and importance as the rapid pace of technological development enables individuals all over the world to use new information and communication technologies,

Noting also the importance of building confidence and trust in the Internet, not least with regard to freedom of expression, privacy and other human rights so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized, with full cooperation between governments, civil society, the private sector, the technical community and academia,

Recognizing that privacy online is important for the realization of the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

Emphasizing that access to information on the Internet facilitates vast opportunities for affordable and inclusive education globally, thereby being an important tool to facilitate the promotion of the right to education, while underlining the need to address digital literacy and the digital divide, as it affects the enjoyment of the right to education,

Expressing concern that many forms of digital divides remain between and within countries and between men and women, boys and girls, and recognizing the need to close them,

Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and encouraging women and girls to embark on careers in the sciences and information and communications technology,

Recalling articles 9 and 21 of the Convention on the Rights of Persons with Disabilities, which, inter alia, call upon States parties to take appropriate measures to promote access for persons with disabilities to new information and communications technology and systems, including the Internet,

Recognizing that, for the Internet to remain global, open and interoperable, it is imperative that States address security concerns in accordance with their international human rights obligations, in particular with regard to freedom of expression, freedom of association and privacy,

[1] General Assembly resolution 70/1.

Deeply concerned by all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and by the impunity for these violations and abuses,

Deeply concerned also by measures aiming to or that intentionally prevent or disrupt access to or dissemination of information online, in violation of international human rights law,

Stressing the importance of applying a human rights-based approach when providing and expanding access to the Internet and for the Internet to be open, accessible and nurtured by multi-stakeholder participation,

Taking note with appreciation of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, submitted to the Human Rights Council at its seventeenth, twenty-third, twenty-ninth and thirty-second sessions,[2] and to the General Assembly at its sixty-sixth session, on freedom of expression on the Internet,[3] and taking note of the report of the Special Rapporteur on the right to privacy, submitted to the Human Rights Council at its thirty-first session,[4]

Considering the key importance of government engagement with all relevant stakeholders, including civil society, private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals;

3. *Calls upon* all states to promote and facilitate international cooperation aimed at the development of media and information and communication facilities and technologies in all countries;

4. *Affirms* that quality education plays a decisive role in development, and therefore calls upon all States to promote digital literacy and to facilitate access to information on the Internet, which can be an important tool in facilitating the promotion of the right to education;

5. *Affirms also* the importance of applying a human rights-based approach in providing and in expanding access to Internet and requests all States to make efforts to bridge the many forms of digital divides;

6. *Calls upon* all States to bridge the gender digital divide and enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of all women and girls;

7. *Encourages* all States to take appropriate measures to promote, with the participation of persons with disabilities, the design, development, production and distribution of information and communications technologies and systems, including assistive and adaptive technologies, that are accessible to persons with disabilities;

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[2] A/HRC/17/27, A/HRC/23/40 and Corr.1, A/HRC/29/32 and A/HRC/32/38.

[3] A/66/290.

[4] A/HRC/31/64.

8. *Calls upon* all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure protection of freedom of expression, freedom of association, privacy and other human rights online, including through national democratic, transparent institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;

9. *Condemns unequivocally* all human rights violations and abuses, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, expulsion, intimidation and harassment, as well as gender based violence, committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls on all States to ensure accountability in this regard;

10. *Condemns unequivocally* measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law and calls on all States to refrain from and cease such measures;

11. *Stresses* the importance of combating advocacy of hatred that constitutes incitement to discrimination or violence on the Internet, including by promoting tolerance and dialogue;

12. *Calls upon* all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have the objective of universal access and enjoyment of human rights at their core;

13. *Requests* the High Commissioner to prepare a report on ways to bridge the gender digital divide from a human rights perspective, in consultation with States, the special procedures of the Human Rights Council, international organizations, national human rights institutions, civil society, industry, technical community and academia and other stakeholders, and to submit it to the Human Rights Council at its thirty-fifth session;

14. *Encourages* the special procedures to take these issues into account within their existing mandates, as applicable;

15. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and other information and communication technology, as well as of how the Internet can be an important tool for fostering citizen and civil society participation, for the realization of development in every community and for exercising human rights, in accordance with its programme of work.

United Nations A/HRC/32/L.21

General Assembly

Distr.: Limited
27 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 10
Technical assistance and capacity-building

Albania, Andorra,* Australia,* Austria,* Belgium, Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy,* Japan,* Latvia, Lithuania,* Luxembourg,* Malta,* Montenegro,* Netherlands, Norway,* Poland,* Portugal, Republic of Moldova,* Romania,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, the former Yugoslav Republic of Macedonia, Turkey,* Ukraine,* † United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

32/... Cooperation and assistance to Ukraine in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Recalling Human Rights Council resolutions 26/30 of 27 June 2014 and 29/23 of 3 July 2015 on cooperation and assistance to Ukraine in the field of human rights,

Acknowledging the efforts of the United Nations, the Organization for Security and Cooperation in Europe and other international and regional organizations to assist Ukraine in protecting the rights of all persons in Ukraine, as described by the General Assembly in its resolution 68/262 of 27 March 2014, and the progress achieved, as well as the challenges and obstacles remaining in this regard,

Welcoming the technical assistance to Ukraine in the field of human rights provided by the Office of the United Nations High Commissioner for Human Rights, and acknowledging the further need for such assistance with due regard to the commitment of the Government of Ukraine to promote and protect human rights on all its territory,

* State not a member of the Human Rights Council.

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Welcoming also the cooperation of the Government of Ukraine with the Office of the High Commissioner, including its monitoring mission in Ukraine, and with other relevant international and regional human rights mechanisms,

Recognizing the importance of the reports of the Office of the High Commissioner based on the findings of the monitoring mission for the proper assessment of the situation of human rights in Ukraine and an evaluation of the needs for technical assistance to Ukraine in the field of human rights,

Recognizing also the continuing need for ongoing reporting, including on the most serious human rights problems within Ukraine and their root causes,

1. *Welcomes* the oral presentations by the Office of the United Nations High Commissioner for Human Rights to the States Members of the Human Rights Council and observers of the findings of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine held, in accordance with Council resolution 29/23, from the thirtieth until the thirty-second sessions of the Council;

2. *Invites* the High Commissioner to continue to present orally to the States Members of the Human Rights Council and observers the findings of each of the reports of the Office of the High Commissioner on the situation of human rights in Ukraine, as part of the interactive dialogues, and through the modalities of the Council, in accordance with its resolution 5/1 of 18 June 2007, until the thirty-fifth session of the Council.

United Nations A/HRC/32/L.22

General Assembly

Distr.: Limited
28 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Belgium, Bosnia and Herzegovina,* Cameroon,* Ecuador, Germany, Haiti,* Honduras,* Mexico, Montenegro,* Netherlands, Paraguay, Peru,* Philippines, Portugal, Switzerland, the former Yugoslav Republic of Macedonia, Turkey,* Ukraine,* Uruguay,* United States of America:* draft resolution

32/... Protection of the human rights of migrants: strengthening the promotion and protection of the human rights of migrants, including in large movements

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and the protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

* State not a member of the Human Rights Council

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants, and the work of the various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants,

Reaffirming that the Universal Declaration of Human Rights proclaims that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Reaffirming also that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, wherever the person is and regardless of his or her migration status,

Recognizing that States are responsible for promoting and protecting the human rights of all persons, including irregular migrants, who are in their territory and subject to their jurisdiction,

Recognizing also the shared and respective responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants,

Recalling that the Human Rights Council has the mandate to, inter alia, promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner, to serve as a forum for dialogue on thematic issues on all human rights, and to promote the effective coordination and mainstreaming of human rights within the United Nations system,

Deeply concerned at the large and growing number of migrants, including women and children, who have lost their lives or have been injured in attempting to cross international borders, and recognizing the obligation of States to protect and respect the human rights of those migrants, regardless of their immigration status,

Welcoming the organization of the high-level plenary meeting on addressing large movements of refugees and migrants on 19 September 2016, convened by the General Assembly, which aims to improve the international community's response, with full respect for the human rights of all migrants,

Taking note of the report of the Secretary-General entitled "In safety and dignity: addressing large movements of refugees and migrants",[1] prepared in advance of the high-level meeting, including his recognition that respect for the human rights of all those who leave their countries, regardless of their migration status, is a fundamental tenet,

Considering the reports of the Special Rapporteur on the human rights of migrants on global migration,

Recalling the Declaration of the High-level Dialogue on International Migration and Development, adopted by the General Assembly at its sixty-eighth session,[2] in which representatives of States and Governments recognized the need for international cooperation to address, in a holistic and comprehensive manner, the challenges of irregular migration to ensure safe, orderly and regular migration, with full respect for human rights, and in which they recognized that human mobility is a key factor for sustainable development,

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[1] A/70/59.

[2] General Assembly resolution 68/4.

Reaffirming the commitment to take action to avoid the loss of life of migrants, including by preventing and combating the smuggling of migrants and trafficking in persons by disrupting the criminal networks involved and improving cooperation on prevention, the prosecution of traffickers and smugglers, the protection of the rights of victims of trafficking and the human rights of migrants who have been smuggled, and in protecting migrants from exploitation and other abuses,

Recognizing that the International Organization for Migration has a global leading role in the field of migration, and also recognizing the expertise of other member agencies of the Global Migration Group,

Expressing serious concern about the situation of vulnerability and risk faced by migrants in transit, in particular unaccompanied migrant children, including adolescents, or children who have been separated from their families, who are forced to or decide to leave their homelands owing to multiple causes,

Recognizing the need to address the special situation and vulnerability of migrant women and girls by, inter alia, incorporating a gender perspective into policies and strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in persons, often including males, and discrimination against women and girls,

Recognizing also the importance of coordinating international efforts to provide adequate protection, assistance and support to migrants in vulnerable situations and, as appropriate, to facilitate the voluntary return to their countries of origin or procedures for determining the need for international protection while respecting the principle of non-refoulement,

Recognizing further that migrants with disabilities are often disproportionately affected in situations of large movements and in their aftermath, and that they are often at increased risk of discrimination, exploitation and violence, including sexual and gender-based violence,

Noting the eighth summit meeting of the Global Forum on Migration and Development, held in Istanbul, Turkey, in October 2015, which emphasized, inter alia, the importance of protecting the human rights of all migrants, irrespective of their migration status, by all countries in the migratory cycle, and welcoming the convening of the ninth summit meeting, to be held in Dhaka, in December 2016,

Acknowledging the important role that migrants play as partners in the development of origin, transit and destination countries, and recognizing the need to improve public perceptions of migrants and migration,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

Noting with appreciation the actions taken by several special procedures of the Human Rights Council and the treaty bodies for the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encouraging them to continue their collaborative efforts within their respective mandates to this end,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin and the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, and committing to ensuring dignified, humane

treatment with applicable protections and to strengthening mechanisms for international cooperation,

Welcoming the adoption of the 2030 Agenda for Sustainable Development[1] in its entirety, and recalling Sustainable Development Goals 8 and 10, including the targets on the protection of labour rights and the promotion of safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment, and on the facilitation of orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and acknowledging that meeting the Sustainable Development Goals and targets of the 2030 Agenda could reduce the need for migrants to leave their homes in search of greater opportunities by addressing some of the root causes of movements of refugees and migrants,

1. *Reaffirms* the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, including those of women, children and persons with disabilities, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Calls upon* all States to reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants who leave their countries, regardless of their migratory status, particularly in the context of the forthcoming high-level meeting of the General Assembly on addressing large movements of refugees and migrants;

3. *Takes note* of the *Recommended Principles and Guidelines on Human Rights at International Borders*, prepared by the Office of the United Nations High Commissioner for Human Rights, and encourages States to give due consideration to their implementation;

4. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

5. *Also calls upon* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

6. *Reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, including those of women, children and persons with disabilities, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

7. *Expresses concern* at legislation and measures adopted by some States that may adversely affect the full enjoyment of the human rights and fundamental freedoms of migrants, including those in transit;

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[1] General Assembly resolution 70/1.

8. *Reaffirms* that, when exercising their sovereign right to enact and implement migration and border security measures, States have a duty to comply with their obligations under relevant international law, including international human rights law, in order to ensure full respect for the human rights of migrants, including migrants in a vulnerable situation;

9. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination;

10. *Also calls upon* all States to promote and protect the human rights of all migrants, without discrimination of any kind, and to this end to provide assistance and relief to migrants who need it, including those in a vulnerable situation, regardless of their immigration status, and to create a safe, accessible and enabling environment in which individuals and organizations that provide such attention can operate;

11. *Further calls upon* all States to adopt a comprehensive and integral approach to migration policies, and to cooperate at the international level on the basis of shared responsibility to harness fully the economic developments and cultural and social opportunities that migration represents and to address efficiently its challenges in line with international human rights standards;

12. *Encourages* the Office of the United Nations High Commissioner for Human Rights to provide technical assistance to States, upon their request, to better promote and protect the human rights of migrants;

13. *Decides* to hold an enhanced interactive dialogue on the theme, "The human rights of migrants in the context of large movement" at its thirty-fourth session, with the participation of the Office of the High Commissioner and other relevant stakeholders, including the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees, the International Labour Organization, the World Health Organization or other members of the Global Migration Group;

14. *Requests* the High Commissioner:

(*a*) To continue to develop, as co-chair of the Global Migration Group Working Group on Migration, Human Rights and Gender, principles and practical guidance on the protection of the human rights of migrants in vulnerable situations within large and/or mixed movements, on the basis of existing legal norms, and to report thereon to the Human Rights Council at its thirty-fourth session;

(*b*) To submit to the Human Rights Council before its thirty-third session a report on the promotion and protection of the human rights of migrants in the context of large movements, in consultation with States and other relevant stakeholders, including regional organizations, civil society organizations and national human rights institutions, and to transmit the report to the General Assembly at its seventy-first session;

15. *Requests* the Special Rapporteur on the human rights of migrants to continue to report on solutions and to contribute to and participate in key discussions relating to the promotion and protection of the human rights of migrants, including with respect to the large movement of migrants, by identifying best practices and concrete areas and means for international cooperation in order to enhance the protection of the human rights of migrants, and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

16. *Encourages* States and regional and international organizations to enhance cooperation with the Special Rapporteur;

17. *Decides* to remain seized of the matter.

Reaffirming General Assembly resolution 70/1 of 27 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, recognizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and envisaging a world free of poverty, hunger, disease and want, a world of universal respect for human rights and human dignity that includes equitable and universal access to health care and social protection, and where physical, mental and social well-being are assured,

Welcoming the Sustainable Development Goals, including, inter alia, Goal 3 to ensure healthy lives and promote well-being for all at all ages, and its specific and interlinked targets, as well as other health-related Goals and targets,

Taking note with appreciation of the report of the Chairman-Rapporteur of the 2015 Social Forum,[1] held in Geneva from 18 to 20 February 2015,

Noting with appreciation the Human Rights Council panel convened to discuss the progress in and challenges of addressing human rights issues in the context of efforts to end the HIV/AIDS epidemic by 2030, on 11 March 2016,

Noting with appreciation also the Secretary-General's decision to establish a high-level panel on access to medicines, with the mandate to make proposals on how to address policy incoherence in public health and trade, the justifiable rights of inventors and human rights, and recognizing the participation of the Office of the United Nations High Commissioner for Human Rights in the expert advisory group supporting the panel,

Noting with concern that, for millions of people throughout the world, the full enjoyment of the right to the highest attainable standard of physical and mental health remains a distant goal,

Concerned about the interrelatedness between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular the fact that ill health can be both a cause and a consequence of poverty,

Recognizing the importance of universal health coverage, which implies that all people have access without discrimination to nationally determined sets of the needed promotive, preventive, curative, palliative and rehabilitative essential health services, and essential, safe, affordable, efficacious and quality medicines and vaccines, while ensuring that the use of these services does not expose users to financial hardship, with special emphasis on the poor, vulnerable and marginalized segments of the population,

Recognizing also the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, including pharmaceutical companies, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Noting that actual or potential conflicts exist between the implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the realization of economic, social and cultural rights in relation to, inter alia, restrictions on access to patented pharmaceuticals and the implications for the enjoyment of the right to health, and declaring that there are apparent conflicts between the intellectual property rights regime

[1] A/HRC/29/44.

embodied in the said Agreement, on the one hand, and international human rights law, on the other,

Recalling that the Doha Ministerial Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent members of the World Trade Organization from taking measures to protect public health and that the Declaration, accordingly, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of members of the Organization to protect public health and, in particular, to promote access to medicines for all, and further recognizes, in this connection, the right of members of the Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose,

Regretting the high number of people still without access to affordable, safe, efficacious and quality medicines, and underscoring that improving such access could save millions of lives every year, and noting with deep concern that two billion men, women and children do not have access to essential medicines, while recognizing that the lack of access to medicines is a global challenge that affects people not only in developing countries but also in developed countries, even though the disease burden is disproportionately large in developing countries,

Concerned at the lack of access to quality, safe, efficacious and affordable medicines for children in appropriate dosage forms, and problems in the rational use of children's medicines in many countries, and that, globally, children aged under five years still do not have secure access to medicines for the treatment of pneumonia, tuberculosis, diarrheal diseases, HIV infection and malaria, or to medicines for many other infectious diseases, non-communicable diseases and rare diseases,

Concerned also that the increasing incidence of non-communicable diseases constitutes a heavy burden on society, with serious social and economic consequences, which represent a leading threat to human health and development, and recognizing the need at the international and national levels to improve access to safe, affordable, efficacious and quality medicines, including generics, and technologies to prevent, diagnose and treat non-communicable diseases, and to strengthen viable financing options in this regard,

Expressing deep concern at recent outbreaks of highly infectious pathogens with epidemic potential, which have demonstrated the potential vulnerability of populations to them and, in this context, reaffirming and underscoring the importance of the development of new and innovative medicines and vaccines and of ensuring access to safe, affordable, efficacious and quality medicines and vaccines to all, as well as of strengthening health system capacities for preventing and responding to outbreaks,

Recalling the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Organization, and commending the efforts of the Organization to fill gaps in health research and development for the relevant needs of developing countries, including neglected diseases, through follow-up to the report of the Consultative Expert Working Group on Research and Development, and reiterating the need of further investment in health research and development, which should be needs-driven, evidence-based, guided by the core principles of affordability, effectiveness, efficiency and equity, and considered a shared responsibility,

1. *Recognizes* that access to medicines is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Stresses* the responsibility of States to ensure access for all, without discrimination, to medicines, in particular essential medicines, that are affordable, safe, efficacious and of quality;

3. *Calls upon* States to promote access to medicines for all, including through the use, to the full, of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights, which provide flexibility for that purpose, recognizing that the protection of intellectual property is important for the development of new medicines, as well as the concerns about its effects on prices;

4. *Also calls upon* States to take steps to implement policies and plans to promote access to comprehensive and cost-effective prevention, treatment and care for the integrated management of non-communicable diseases, including, inter alia, increased access to affordable, safe, efficacious and quality medicines and diagnostics and other technologies, including through the full use of Trade-Related Aspects of Intellectual Property Rights flexibilities;

5. *Reiterates* the call upon States to continue to collaborate, as appropriate, on models and approaches that support the delinkage of the cost of new research and development from the prices of medicines, vaccines and diagnostics for diseases that predominantly affect developing countries, including emerging and neglected tropical diseases, so as to ensure their sustained accessibility, affordability and availability and to ensure access to treatment for all those in need;

6. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines that are affordable, safe, efficacious and of quality, and through financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

7. *Recognizes* the innovative funding mechanisms that contribute to the availability of vaccines and medicines in developing countries, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Gavi Alliance and the International Drug Purchase Facility, and calls upon all States, United Nations agencies, funds and programmes, in particular the World Health Organization, and relevant intergovernmental organizations, within their respective mandates, and encourages relevant stakeholders, including pharmaceutical companies, while safeguarding public health from undue influence by any form of real, perceived or potential conflict of interest, to further collaborate to enable equitable access to quality, safe and efficacious medicines that are affordable to all, including those living in poverty, children and other persons in vulnerable situations;

8. *Urges* all States, United Nations agencies, funds and programmes and relevant intergovernmental organizations, especially the World Health Organization, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, including pharmaceutical companies, to promote innovative research and development to address health needs in developing countries, including access to quality, safe, efficacious and affordable medicines, and in particular with regard to diseases disproportionately affecting developing countries, and the challenges arising from the growing burden of non-communicable diseases, taking into account the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Organization;

9. *Invites* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, while considering the many ways towards the full realization of the right of everyone to the enjoyment of the highest

attainable standard of physical and mental health, to continue to focus on the human rights dimension of access to medicines when discharging his or her duties, in accordance with his or her mandate;

10. *Invites* Member States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions, civil society and the private sector to promote policy coherence among human rights obligations, intellectual property and international trade and investment regimes, premised on the primacy of human rights over international trade, investment and intellectual property regimes;

11. *Decides* to convene, at its thirty-fourth session, a panel discussion to exchange views on good practices and key challenges relevant to access to medicines as one of the fundamental elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, taking into account all relevant reports, and that the discussion shall be fully accessible to persons with disabilities;

12. *Invites* the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions and civil society with a view to ensuring their participation in the panel discussion;

13. *Requests* the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-sixth session;

14. *Requests* the Advisory Committee to undertake, from within existing resources, a study in which it reviews progress and achievements on access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, together with challenges and obstacles thereto, and to submit it to the Human Rights Council at its thirty-eighth session;

15. *Encourages* the Advisory Committee, when preparing the above-mentioned study, to take into account the views of Member States and all relevant stakeholders, including relevant United Nations bodies, agencies, funds and programmes, especially the World Health Organization, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, as well as their work on the issue;

16. *Calls upon* Governments and all relevant stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, to cooperate in the study of the Advisory Committee.

United Nations A/HRC/32/L.23/Rev.1

General Assembly

Distr.: Limited
30 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Brazil, *China, Egypt,* Haiti,* India, Indonesia, Paraguay, Peru,* Senegal,* Sri Lanka,* South Africa, Thailand,* Turkey:* draft resolution

32/... Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

Recalling Human Rights Council resolution 23/14 of 24 June 2013 and all relevant previous resolutions and decisions on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Council, the General Assembly and the Commission on Human Rights,

Recalling also the Declaration on the Right to Development, which, inter alia, establishes that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

* State not a member of the Human Rights Council

GE.16-11224(E)

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Reaffirming General Assembly resolution 70/1 of 27 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, recognizing that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and envisaging a world free of poverty, hunger, disease and want, a world of universal respect for human rights and human dignity that includes equitable and universal access to health care and social protection, and where physical, mental and social well-being are assured,

Welcoming the Sustainable Development Goals, including, inter alia, Goal 3 to ensure healthy lives and promote well-being for all at all ages, and its specific and interlinked targets, and other health-related Goals and targets,

Taking note with appreciation of the report of the Chairman-Rapporteur of the 2015 Social Forum,[1] held in Geneva from 18 to 20 February 2015,

Noting with appreciation the Human Rights Council panel convened to discuss the progress in and challenges of addressing human rights issues in the context of efforts to end the HIV/AIDS epidemic by 2030, on 11 March 2016,

Noting with appreciation also the Secretary-General's decision to establish a High-level Panel on Access to Medicines, with the mandate to make proposals on how to address policy incoherence in public health, trade, the justifiable rights of inventors, and human rights, and recognizing the participation of the Office of the United Nations High Commissioner for Human Rights in the expert advisory group supporting the Panel,

Noting with concern that, for millions of people throughout the world, the full and equal enjoyment of the right to the highest attainable standard of physical and mental health remains a distant goal,

Concerned about the interrelatedness between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular the fact that ill health can be both a cause and a consequence of poverty,

Recognizing that universal health coverage implies that all people have access without discrimination to nationally determined sets of the needed promotive, preventive, curative, palliative, and rehabilitative essential health services, and essential, safe, affordable, efficacious, and quality medicines and vaccines, while ensuring that the use of these services does not expose users to financial hardship, with a special emphasis on the poor, vulnerable, and marginalized segments of the population,

Recognizing also the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, including pharmaceutical companies, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Noting that actual or potential conflicts exist between the implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the realization of economic, social and cultural rights in relation to, inter alia, restrictions on access to patented pharmaceuticals and the implications for the enjoyment of the right to health,

[1] A/HRC/29/44.

Recalling that the Doha Ministerial Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent members of the World Trade Organization from taking measures to protect public health and that the Declaration, accordingly, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of members of the Organization to protect public health and, in particular, to promote access to medicines for all, and further recognizes, in this connection, the right of members of the Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose,

Regretting the high number of people still without access to affordable, safe, efficacious and quality medicines, and underscoring that improving such access could save millions of lives every year, and noting with deep concern that, according to the World Health Organization in its World Medicines Situations Report of 2011, at least one third of the world population has no regular access to medicines, while recognizing that the lack of access to medicines is a global challenge that affects people not only developing countries but also in developed countries, even though the disease burden is disproportionately high in developing countries,

Concerned at the lack of access to quality, safe, efficacious and affordable medicines for children in appropriate dosage forms, and problems in the rational use of children's medicines in many countries, and that, globally, children aged under five years still do not have secure access to medicines for the treatment of pneumonia, tuberculosis, diarrheal diseases, HIV infection, and malaria, as well as medicines for many other infectious diseases, non-communicable diseases and rare diseases,

Concerned also that the increasing incidence of non-communicable diseases constitutes a heavy burden on society, with serious social and economic consequences, which represent a leading threat to human health and development, and recognizing the urgent need to improve accessibility to safe, affordable, efficacious and quality medicines and technologies to, diagnose and to treat non-communicable diseases, to strengthen viable financing options, and to promote the use of affordable medicines, including generics, as well as improved access to preventive, curative, palliative and rehabilitative services, particularly at the community level,

Expressing deep concern at recent outbreaks of highly infectious pathogens with epidemic potential, which demonstrate the potential vulnerability of populations to them and, in this context, reaffirming and underscoring the importance of the development of new and innovative medicines and vaccines and of ensuring access to safe, affordable, efficacious and quality medicines and vaccines to all, as well as strengthening health system capacities for preventing and responding to outbreaks,

Recalling the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Organization, and commending the efforts of the Organization to fill gaps in health research and development for the relevant needs of developing countries, including neglected diseases and potential areas where market failure exists, through the follow-up to the report of the Consultative Expert Working Group on Research and Development, and reiterating that health research and development should be needs-driven, evidence-based, guided by the core principles of affordability, effectiveness, efficiency, and equity, and considered a shared responsibility,

1. *Recognizes* that access to medicines is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Stresses* the responsibility of States to ensure access for all, without discrimination, to medicines, in particular essential medicines, that are affordable, safe, efficacious and of quality;

3. *Calls upon* States to promote access to medicines for all, including through the use, to the full, of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights which provide flexibility for that purpose, recognizing that the protection of intellectual property is important for the development of new medicines, as well as the concerns about its effects on prices;

4. *Also calls upon* States to take steps to implement policies and plans to promote access to comprehensive and cost-effective prevention, treatment and care for the integrated management of non-communicable diseases, including, inter alia, increased access to affordable, safe, efficacious and quality medicines and diagnostics and other technologies, including through the full use of Trade-Related Aspects of Intellectual Property Rights flexibilities;

5. *Reiterates* the call upon States to continue to collaborate, as appropriate, on models and approaches that support the delinkage of the cost of new research and development from the prices of medicines, vaccines and diagnostics for diseases that predominantly affect developing countries, including emerging and neglected tropical diseases, so as to ensure their sustained accessibility, affordability and availability and to ensure access to treatment for all those in need;

6. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines that are affordable, safe, efficacious and of quality, and through financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

7. *Recognizes* the innovative funding mechanisms that contribute to the availability of vaccines and medicines in developing countries, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Gavi Alliance and UNITAID, and calls upon all States, United Nations agencies, funds and programmes, in particular the World Health Organization, and relevant intergovernmental organizations, within their respective mandates, and encourages relevant stakeholders, including pharmaceutical companies, while safeguarding public health from undue influence by any form of real, perceived or potential conflict of interest, to further collaborate to enable equitable access to quality, safe and efficacious medicines that are affordable to all, including those living in poverty, children and other persons in vulnerable situations;

8. *Urges* all States, United Nations agencies and programmes and relevant intergovernmental organizations, especially the World Health Organization, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, including pharmaceutical companies, to promote innovative research and development to address health needs in developing countries, including access to quality, safe, efficacious and affordable medicines, and in particular with regard to diseases disproportionately affecting developing countries, and the challenges arising from the growing burden of non-communicable diseases, taking into account the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Organization;

9. *Invites* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, while considering the many ways towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to continue to focus on the human rights

dimension of access to medicines when discharging his or her duties, in accordance with his or her mandate;

10. *Invites* Member States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions, civil society, and the private sector, to promote policy coherence in the areas of human rights, intellectual property and international trade and investment when considering access to medicines;

11. *Decides* to convene, at its thirty-fourth session, a panel discussion to exchange views on good practices and key challenges relevant to access to medicines as one of the fundamental elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, taking into account all relevant reports, and that the discussion shall be fully accessible to persons with disabilities;

12. *Invites* the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

13. *Requests* the High Commissioner to prepare a summary report on the panel discussion to submit it to the Human Rights Council at its thirty-sixth session;

14. *Requests* the Advisory Committee to undertake, from within existing resources, a study which reviews progress and achievements on access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, together with challenges and obstacles thereto, and to submit it to the Human Rights Council at its thirty-eighth session;

15. *Encourages* the Advisory Committee, when preparing the above-mentioned study, to take into account the views of Member States, and all relevant stakeholders, including relevant United Nations bodies, agencies, funds and programmes, especially the World Health Organization, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, as well as their work on the issue;

16. *Calls upon* Governments and all relevant stakeholders, including relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions and civil society, to cooperate with the study of the Advisory Committee.

United Nations A/HRC/32/L.24

General Assembly

Distr.: Limited
27 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria, Bolivia (Plurinational State of), Brazil,* China, Cuba, Egypt,* Haiti,* Iran (Islamic Republic of),* Morocco, Pakistan,* South Africa, Thailand,* Turkey:* draft resolution

32/... Promoting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health through enhancing capacity-building in public health

The Human Rights Council,

Recalling General Assembly resolutions 58/3 of 27 October 2003, 59/27 of 23 November 2004 and 60/35 of 30 November 2005,

Recalling also the ministerial declaration adopted at the 2009 high-level segment of the Economic and Social Council on "Implementing the internationally agreed goals and commitments in regard to global public health",

Recalling further Human Rights Council resolutions 16/28 of 25 March 2011 and 30/8 of 1 October 2015, President's statements PRST/27/4 of 26 September 2014 and PRST/30/2 of 2 October 2015, and other relevant internationally agreed documents in the context of public health,

Reaffirming that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

Reaffirming also the right of every human being, without distinction of any kind, to the enjoyment of the highest attainable standard of physical and mental health and to a

* State not a member of the Human Rights Council.

standard of living adequate for the health and well-being of oneself and one's family, including adequate food, hygiene and sanitation, clothing and housing, and to the continuous improvement of living conditions,

Recalling the Declaration on the Right to Development, which, inter alia, affirms that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

Welcoming the 2030 Agenda for Sustainable Development,[1] including its Goal 3, which highlights the importance of ensuring healthy lives and promoting well-being for all at all ages, and recalling in that regard the adoption on 28 May 2016 by the World Health Assembly of resolution WHA69.11 entitled "Health in the 2030 Agenda for Sustainable Development",

Expressing deep concern at the continued deleterious impact of infectious diseases, such as HIV/AIDS, Ebola, tuberculosis and malaria and the increasing number of epidemics and health emergencies, as well as non-communicable diseases, which place major demands on health resources and capabilities, together with a heavy disease burden on many countries, in particular developing countries, including the least developed countries, small island developing States and landlocked developing countries,

Recognizing the values and principles of primary health care, including equity, solidarity, social justice, universal access to services, multisectoral action, transparency, accountability and community participation and empowerment,

Recognizing also the need to strengthen resilience and to promote integrated national health systems aimed at ensuring universal access to quality health-care services, universal health coverage and social infrastructures and services, including access to medicines and vaccines, to reinforce measures to eliminate discrimination of any kind in respect for, promotion, protection and fulfilment of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the basis of equality, and in this regard to enhance access to information and education for all persons, especially for those in vulnerable situations,

Convinced that strengthening public health is critical to the development of all Member States, and that economic and social development are enhanced through measures that strengthen capacity-building in public health, including training, recruitment and retention of sufficient public health personnel, and systems of prevention of and immunization against infectious diseases,

Welcoming the efforts of the World Health Organization, in cooperation with Member States, in enhancing capacity-building in global public health and in meeting the targets specified in Sustainable Development Goal 3, and welcoming the adoption of by the World Health Assembly, on 28 May 2016, of its resolutions WHA69.20, on children's medication, WHA67.22 on essential medicine, and WHA67.19, on palliative care,

Recognizing the importance of substantially increasing health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries, small island developing States and landlocked developing countries,

[1] General Assembly resolution 70/1.

Recognizing also the vital and complementary role of civil society in addressing and resolving challenges and issues that are important to society, including responding to public health crises,

Stressing the importance of strengthening the participation of women in decision-making processes and developing gender-sensitive multisectoral health policies and programmes in order to address their needs,

Emphasizing the importance of timely international cooperation in the area of health, and in particular in the prevention and control of infectious diseases, particularly during outbreaks and emergencies, including the need to cooperate on health research and development and tackling antimicrobial resistance based on the principles of mutual respect and equality, and in the context of the International Health Regulations (2005) of the World Health Organization, with a view to strengthening capacity-building in public health, especially in developing countries, through, inter alia, the exchange of information and the sharing of experience, as well as research and training programmes focusing on surveillance, prevention, control, response, and care and treatment,

Emphasizing also the importance of ensuring universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes,

Noting the ongoing work of the High-level Commission on Health Employment and Economic Growth, established by the Secretary-General on 2 March 2016,

1. *Urges* Member States and the international community to increase investment, building on existing mechanisms and through partnership, to improve health systems in developing countries and countries with economies in transition with the aim of providing sufficient health workers, infrastructures, management systems and supplies to achieve the Sustainable Development Goals by 2030;

2. *Calls upon* Member States to take the primary responsibility for strengthening their capacity-building in public health to detect and respond rapidly to outbreaks of major infectious diseases through the establishment and improvement of effective public health mechanisms, including full implementation of the International Health Regulations (2005), as well as strategies for training, recruitment and retention of sufficient public health personnel, and systems of prevention and of immunization against infectious diseases;

3. *Calls upon* the international community to continue to promote cooperation on strengthening the public health capacity of all countries, in particular on strengthening the national health systems of developing countries, particularly their capacities in accordance with the International Health Regulations (2005) to prevent, detect and respond to national and global health risks, including through technology transfer, financial and technical support and the training of personnel, and through access to medicines, including children's medicines, that are affordable, safe, efficacious and of quality;

4. *Stresses* the importance of enhancing international cooperation in the area of public health in the aftermath of natural disasters to support national efforts to cope in all phases of the response, and urges Member States and the international community to strengthen their cooperation programmes, preparedness, mitigation, response and recovery in this regard;

5. *Urges* further strengthening of international cooperation in the area of public health through, inter alia, the exchange of best practices in the area of strengthening public health systems, and welcomes in this regard South-South, North-South and triangular cooperation, and recognizes the commitment to explore opportunities for further South-South cooperation as a complement, not a substitute, to North-South cooperation;

6. *Acknowledges* the contribution of aid targeted towards the health sector, while recognizing that much more needs to be done, and calls upon states to fulfil their respective official development assistance commitments, including the commitments by many developed countries to achieve the target of 0.7 per cent of gross national income for official development assistance, and urges those developed countries that have not done so to make concrete efforts in this regard in accordance with their commitments;

7. *Invites* Member States to foster public health systems that ensure the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including of those in vulnerable situations;

8. *Encourages* United Nations agencies, funds and programmes, in particular the World Health Organization as the lead United Nations agency on health, in accordance with their respective mandates and as appropriate, to continue to address public health concerns in their activities and programmes, and to actively support capacity-building in global public health, such as through the provision of technical and other relevant assistance to developing countries, including the least developed countries, small island developing States and landlocked developing countries;

9. *Encourages* the mechanisms of the Human Rights Council, especially the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Office of the United Nations High Commissioner for Human Rights, within their existing mandates, to continue to address public health concerns in their activities and programmes, and where feasible to support capacity-building in global public health, such as through the provision of technical and other relevant assistance to developing countries;

10. *Decides* to convene, at its thirty-fourth session, a panel discussion with the participation of States, relevant United Nations agencies, funds and programmes, academics and experts and non-governmental organizations, with the objective of exchanging experiences and practices on realizing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by enhancing capacity-building in public health, and that the discussion shall be fully accessible to persons with disabilities.

United Nations A/HRC/32/L.24/Rev.1

General Assembly

Distr.: Limited
30 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria, Bangladesh, Belarus,* Bolivia (Plurinational State of), Brazil,* China, Cuba, Egypt,* Haiti,* Iran (Islamic Republic of),* Morocco, Pakistan,* Paraguay, Peru,* Qatar,† Russian Federation, Saudi Arabia, Singapore,* South Africa,‡ Thailand,* Tunisia,* Turkey,* United Arab Emirates, Venezuela (Bolivarian Republic of), Zambia:* draft resolution

32/... Promoting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health through enhancing capacity-building in public health

The Human Rights Council,

Recalling General Assembly resolutions 58/3 of 27 October 2003, 59/27 of 23 November 2004 and 60/35 of 30 November 2005,

Recalling also the ministerial declaration adopted at the 2009 high-level segment of the Economic and Social Council on "Implementing the internationally agreed goals and commitments in regard to global public health",

Recalling further Human Rights Council resolutions 16/28 of 25 March 2011 and 30/8 of 1 October 2015, President's statements PRST/27/4 of 26 September 2014 and PRST/30/2 of 2 October 2015, and other relevant internationally agreed documents in the context of public health,

Recalling relevant resolutions of the World Health Organization, including WHA69.20 on children's medication, WHA67.22 on essential medicine and WHA67.19 on palliative care,

* State not a member of the Human Rights Council.
† On behalf of the States Members of the United Nations that are members of the Group of Arab States.
‡ On behalf of the States Members of the United Nations that are members of the Group of African States.

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Reaffirming that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

Reaffirming also the right of every human being, without distinction of any kind, to the enjoyment of the highest attainable standard of physical and mental health and to a standard of living adequate for the health and well-being of oneself and one's family, including adequate food, hygiene and sanitation, clothing and housing, and to the continuous improvement of living conditions,

Recalling the Declaration on the Right to Development, which, inter alia, affirms that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

Welcoming the 2030 Agenda for Sustainable Development,[1] including its Goal 3, which highlights the importance of ensuring healthy lives and promoting well-being for all at all ages, and recalling in that regard the adoption on 28 May 2016 by the World Health Assembly of its resolution WHA69.11 entitled "Health in the 2030 Agenda for Sustainable Development",

Welcoming also the efforts of the World Health Organization, in cooperation with Member States, in enhancing capacity-building in global public health and in meeting the targets specified in Sustainable Development Goal 3,

Expressing deep concern at the continued deleterious impact of infectious diseases, such as HIV/AIDS, Ebola, tuberculosis and malaria and the increasing number of epidemics and health emergencies, as well as non-communicable diseases, which place major demands on health resources and capabilities, together with a heavy disease burden on many countries, in particular developing countries, including the least developed countries, small island developing States and landlocked developing countries,

Recognizing the values and principles of primary health care, including equity, solidarity, social justice, universal access to services, multisectoral action, transparency, accountability and community participation and empowerment,

Recognizing also the need to strengthen resilience and to promote integrated national health systems aimed at ensuring universal access to quality health-care services, universal health coverage and social infrastructures and services, including access to medicines and vaccines, to reinforce measures to eliminate discrimination of any kind in respect for, promotion, protection and fulfilment of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the basis of equality, and in this regard to enhance access to information and education for all persons, especially for those in vulnerable situations,

Convinced that strengthening public health is critical to the development of all Member States, and that economic and social development are enhanced through measures that strengthen capacity-building in public health, including training, recruitment and

[1] General Assembly resolution 70/1.

retention of sufficient public health personnel and systems of prevention of and immunization against infectious diseases,

Recognizing the importance of substantially increasing health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries, small island developing States and landlocked developing countries,

Recognizing also the vital and complementary role of civil society in addressing and resolving challenges and issues that are important to society, including responding to public health crises,

Stressing the importance of strengthening the participation of women in decision-making processes and developing gender-sensitive multisectoral health policies and programmes in order to address their needs,

Emphasizing the importance of timely international cooperation in the area of health, and in particular in the prevention and control of infectious diseases, particularly during outbreaks and emergencies, including the need to cooperate on health research and development and tackling antimicrobial resistance based on the principles of mutual respect and equality, and in the context of the International Health Regulations (2005) of the World Health Organization, with a view to strengthening capacity-building in public health, especially in developing countries, through, inter alia, the exchange of information and the sharing of experience, as well as research and training programmes focusing on surveillance, prevention, control, response, and care and treatment,

Emphasizing also, in accordance with the International Conference on Population and Development, the importance of ensuring universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes,

Noting the ongoing work of the High-level Commission on Health Employment and Economic Growth, established by the Secretary-General on 2 March 2016,

1. *Urges* Member States and the international community to increase investment, building on existing mechanisms and through partnership, to improve health systems in developing countries and countries with economies in transition with the aim of providing sufficient health workers, infrastructures, management systems and supplies to achieve the Sustainable Development Goals by 2030;

2. *Calls upon* Member States to take the primary responsibility for strengthening their capacity-building in public health to detect and respond rapidly to outbreaks of major infectious diseases through the establishment and improvement of effective public health mechanisms, including full implementation of the International Health Regulations (2005), as well as strategies for training, recruitment and retention of sufficient public health personnel, and systems of prevention and of immunization against infectious diseases;

3. *Calls upon* the international community to continue to promote cooperation on strengthening the public health capacity of all countries, in particular on strengthening the national health systems of developing countries, including through financial and technical support and training of personnel and through access to medicines, including children's medicine, in particular essential medicines, that are affordable, safe, efficacious and of quality, as well as their capacities in accordance with the International Health Regulations (2005) to prevent, detect and respond to national and global health risks;

4. *Welcomes* in this regard South-South, North-South and triangular cooperation, and recognizes the commitment to explore opportunities for further South-South cooperation as a complement, not a substitute, to North-South cooperation;

5. *Recognizes* the fundamental relevant importance of the transfer of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed;

6. *Stresses* the importance of enhancing international cooperation in the area of public health in the aftermath of natural disasters to support national efforts to cope in all phases of the response, and urges Member States and the international community to strengthen their cooperation programmes, preparedness, mitigation, response and recovery in this regard;

7. *Acknowledges* the contribution of aid targeted towards the health sector, while recognizing that much more needs to be done, and calls upon states to fulfil their respective official development assistance commitments, including the commitments by many developed countries to achieve the target of 0.7 per cent of gross national income for official development assistance, and urges those developed countries that have not done so to make concrete efforts in this regard in accordance with their commitments;

8. *Invites* Member States to foster public health systems that ensure the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including of those in vulnerable situations;

9. *Encourages* United Nations agencies, funds and programmes, in particular the World Health Organization as the lead United Nations agency on health, in accordance with their respective mandates and as appropriate, to continue to address public health concerns in their activities and programmes, and to actively support capacity-building in global public health, such as through the provision of technical and other relevant assistance to developing countries, including the least developed countries, small island developing States and landlocked developing countries;

10. *Encourages* the mechanisms of the Human Rights Council, especially the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Office of the United Nations High Commissioner for Human Rights, within their existing mandates, to continue to address public health concerns in their activities and programmes, and where feasible to support capacity-building in global public health, such as through the provision of technical and other relevant assistance to developing countries;

11. *Decides* to convene, at its thirty-fifth session, a panel discussion with the participation of States, relevant United Nations agencies, funds and programmes, academics and experts and non-governmental organizations, with the objective of exchanging experiences and practices on realizing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by enhancing capacity-building in public health, and that the discussion shall be fully accessible to persons with disabilities, and requests the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-sixth session.

United Nations A/HRC/32/L.25

General Assembly

Distr.: Limited
28 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Argentina,* Belgium, Brazil,* Bulgaria,* Colombia,* Cyprus,* Denmark,* France, Haiti,* Honduras,* Hungary,* Luxembourg,* Panama, Paraguay, Peru,* Portugal, Spain,* Turkey,* Uruguay:* draft resolution

32/... Addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action, which recognized that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming also the commitments of States concerning the elimination of racism, racial discrimination, xenophobia and related intolerance, and the recognition that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights and that the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

Recalling the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, by which Governments expressed their determination to intensify efforts to ensure equal enjoyment of all human rights and

* State not a member of the Human Rights Council.

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fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability, or because they are indigenous people,

Stressing the importance of the Durban Declaration and Programme of Action, which recognized that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights,

Bearing in mind that the General Assembly proclaimed 2015-2024 as the International Decade for People of African Descent and the commitments undertaken by States to mainstream a gender perspective when designing and monitoring public policies, taking into account the specific needs and realities of women and girls of African descent,

Recognizing and deeply regretting that many women and girls, including those belonging to national or ethnic, religious and linguistic minorities, face multiple and intersecting forms of discrimination and are disproportionally affected by aggravated forms of racism, racial discrimination, xenophobia and related intolerance,

Acknowledging the persistence of the challenges faced by all countries throughout the world to overcome inequality between men and women and to integrate a comprehensive approach that properly addresses the needs of women and girls affected by racism, racial discrimination, xenophobia and related intolerance in the design of public policies,

Mindful of the fact that the elimination of all forms of discrimination against women and girls requires the consideration of their specific socioeconomic context, including their increased vulnerability to certain patterns of racism, racial discrimination, xenophobia and related intolerance, and that the non-participation of all women and girls in decision-making contributes to the feminization of poverty and hampers sustainable development and economic growth,

Emphasizing the importance and the need that States take measures to protect all women and girls from discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance, and to ensure their meaningful participation in decision-making at all levels,

Emphasizing also the need for States and all segments of society, including civil society organizations, women's groups and networks and other non-governmental organizations and community-based organizations, the private sector, media and other relevant stakeholders, to take meaningful steps to promote the empowerment of all women and girls in order to achieve gender and racial equality and to strongly condemn and address attitudes and behaviors that perpetuate multiple and intersecting forms of gender discrimination, racism, racial discrimination, xenophobia and related intolerance, and related violence,

Deeply concerned by the multiple and intersecting forms of discrimination and violence to which all women and girls continue to be exposed all over the world,

1. *Expresses grave concern* about the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls;

2. *Recognizes* the need to integrate and mainstream a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple and intersecting forms of discrimination suffered by women and girls;

3. *Calls upon* States to develop and strengthen comprehensive gender-responsive, multisectorial policies and programmes involving relevant authorities, in sectors such as justice, health, social services, education and child protection services, as well as relevant non-State actors, with a view to promoting the human rights of women and girls affected by multiple and intersecting forms of racism, racial discrimination, xenophobia and related intolerance, and related violence;

4. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls, with a view to identifying challenges and good practices, including, as appropriate, the contributions of the universal periodic review, and to present it to the Council at its thirty-fifth session;

5. *Decides* to convene, at its thirty-sixth session, a panel discussion in order to discuss, inter alia, the findings of the report and examine possible recommendations;

6. *Requests* the High Commissioner to organize the above-mentioned panel discussion in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, non-governmental organizations, national human rights institutions and specialized national equality bodies, as appropriate, with a view to ensuring their participation in the panel discussion;

7. *Also requests* the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Council at its thirty-seventh session.

Reaffirming the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and emphasizing that mental health is an integral part of that right,

Recalling that States should take measures, to the maximum of their available resources and, where needed, within the framework of international cooperation, in the context of mental health,

Reaffirming the right of everyone to be guaranteed the full enjoyment of their human rights and fundamental freedoms, without discrimination of any kind,

Deeply concerned that persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, may be subject to, inter alia, widespread discrimination, stigma, prejudice, violence, social exclusion and segregation, unlawful or arbitrary institutionalization, overmedicalization and treatment practices that fail to respect their autonomy, will and preferences,

Equally concerned that such practices may constitute or lead to violations and abuses of their human rights and fundamental freedoms, sometimes amounting to torture or other cruel, inhuman, or degrading treatment or punishment, and conscious that greater commitment is needed to address all the remaining challenges in this regard,

Recognizing the need to protect, promote and respect all human rights in the global response to mental health-related issues, and stressing that mental health and community services should integrate a human rights perspective so as to avoid any harm to persons using them,

Convinced that the Human Rights Council, in fulfilling its responsibility for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, has an important role to play in the area of mental health and human rights to foster constructive international dialogue and cooperation, and to promote human rights education and learning, as well as advisory services, technical assistance, capacity-building and awareness raising,

Acknowledging the leadership of the World Health Organization in the field of health and also the work it has carried out to date to integrate, inter alia, a human rights perspective in mental health, and recalling the commitment of States to achieve this through the implementation of the Organization's Comprehensive Mental Health Action Plan 2013-2020,

1. *Reaffirms* the obligation of States to promote and protect all human rights and fundamental freedoms and to ensure that policies and services related to mental health comply with international human rights norms;

2. *Recognizes* the need for States to take active steps to fully integrate a human rights perspective into mental health and community services, particularly with a view to eliminating all forms of violence and discrimination within that context, and to promote the right of everyone to full inclusion and effective participation in society;

3. *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the integration of a human rights perspective in mental health and the realization of the human rights and fundamental freedoms of persons with mental health conditions or psychosocial disabilities, including persons using mental health and community services, and to submit the report to the Human Rights Council at its thirty-fourth session, in which the High Commissioner:

(*a*) Identifies existing challenges and emerging good practices, and makes recommendations in that regard;

(*b*) Identifies ways and means for strengthening technical assistance and capacity-building, taking into account existing activities and experiences in this area, in consultation with and with the consent of the States concerned;

4. *Encourages* the High Commissioner, when preparing the above report to liaise with and seek the views of Member States and all other relevant stakeholders, as appropriate, including relevant United Nations bodies, agencies, funds and programmes, in particular the World Health Organization, special procedures, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the rights of persons with disabilities, the treaty bodies, national human rights institutions and civil society;

5. *Decides* to remain seized of the matter.

United Nations A/HRC/32/L.27

General Assembly

Distr.: Limited
28 June 2016
English
Original: French

Human Rights Council
Thirty-second session
Agenda item 10
Technical assistance and capacity-building

Haiti*, South Africa†, Ukraine*: draft resolution

32/...
Capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant human rights treaties,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, both of 18 June 2007, and emphasizing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolutions S-14/1 of 23 December 2010 and 16/25 of 25 March 2011, on the situation of human rights in Côte d'Ivoire, 17/21 of 17 June 2011, establishing the mandate of the Independent Expert on the situation of human rights in Côte d'Ivoire, 20/19 of 6 July 2012 and 23/22 of 14 June 2013, renewing the mandate of the Independent Expert, 26/32 of 27 June 2014, establishing the mandate for capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights, and 29/24 of 3 July 2015, renewing the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

* Non-member State of the Human Rights Council.
† On behalf of States Members of the United Nations that are members of the Group of African States.

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Emphasizing the importance of efforts for lasting reconciliation by the National Commission of Inquiry, the Dialogue, Truth and Reconciliation Commission and the National Commission for Reconciliation and Compensation of Victims, and encouraging the Government of Côte d'Ivoire to implement their recommendations in order to contribute to reconciliation,

Noting that the situation of human rights in Côte d'Ivoire has improved significantly and that it should nevertheless be monitored, given the numerous challenges, notably the restoration of peace, national reconciliation and combating impunity,

Concerned at the continuing sporadic armed attacks on the Forces républicaines de Côte d'Ivoire in the exercise of their mandate to protect civilians,

1. *Condemns* the terrorist attacks that occurred in Grand-Bassam on 13 March 2016, which are liable to thwart the joint efforts of the Ivorian people and the international community to bring security and peace to the country;

2. *Welcomes* the successful holding of the presidential elections of October 2015, considered to be free and transparent by all national and international stakeholders, and welcomes the overall stability of the security situation in Côte d'Ivoire, as indicated in the special report of the Secretary-General on the United Nations Operation in Côte d'Ivoire[1] and the report of the Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights;[2]

3. *Welcomes* the exemplary and continuing cooperation of the Government of Côte d'Ivoire with the United Nations human rights machinery and its commitment to promoting and protecting human rights and encourages the continuation of efforts to end all human rights violations in the country, to prosecute the persons responsible and the perpetrators of such acts and to help victims;

4. *Notes with satisfaction* the establishment of the Ministry of Solidarity, Social Cohesion and Compensation of Victims, a breakthrough that will enhance the gains made in the area of national reconciliation, while encouraging the Government of Côte d'Ivoire to provide it with sufficient resources to fulfil its mission;

5. *Also notes with satisfaction* the efforts made by the Government of Côte d'Ivoire to align its domestic legal framework with the Rome Statute of the International Criminal Court, including its initiative for the abolition of the death penalty and the introduction into its domestic legal framework of international crimes such as genocide, crimes against humanity and war crimes, superior responsibility for war crimes and the non-applicability of any statute of limitations to such international crimes;

6. *Encourages* Côte d'Ivoire to continue its efforts to enhance capacity in its judicial system and invites the Government of Côte d'Ivoire to strengthen human resource capacity, to ensure that legal proceedings conform to international standards for a fair trial and to prosecute all the alleged perpetrators of human rights violations, including those committed during the post-election crisis;

7. *Welcomes* the continued work of the special investigation unit, encourages the Ivorian authorities to continue to provide it with the necessary resources and also encourages the acceleration of the national processes of investigation and prosecution of the persons responsible and the alleged perpetrators of the violence committed during the 2010-2011 post-election period;

[1] S/2016/297.
[2] A/HRC/32/52.

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9. *Encourages* the Ivorian authorities to continue their efforts to improve conditions of detention in prisons and to take steps to reduce overcrowding in prisons in order to improve the care of minors and, in this regard, invites the international community to support the efforts of the Government of Côte d'Ivoire;

9 *bis*. *Welcomes* the release, on 19 April 2016, to the President of the Republic, of the report of the National Commission for Reconciliation and Compensation of Victims and the recommendations provided by it to proceed with its publication and of the report of the Dialogue, Truth and Reconciliation Commission;

10. *Also welcomes* the continuation of the dialogue between all political actors aimed at facilitating inclusive political pluralism, while stressing the importance of the full participation of women in the process of dialogue with all parties, and notes the continued cooperation with the International Criminal Court and the adoption of new laws, significant advances in strengthening the legislative framework and promoting and protecting human rights;

11. *Notes* the commitment of the judicial authorities to ensure equitable justice for all victims of the Ivorian crisis, a major component of reconciliation, through the continuation of judicial proceedings, including the trial of members of the Forces républicaines de Côte d'Ivoire, and the acceleration of the process of investigation and prosecution of those responsible and the alleged perpetrators of the violence committed during the 2010-2011 post-election period;

12. *Welcomes* the continuation of the electoral process and the arrangements for holding fair, free, transparent, inclusive and peaceful general elections that guarantee freedom of expression and the will of the people;

13. *Takes note* of the reports and the recommendations submitted by the Independent Expert at the thirty-first and thirty-second sessions of the Human Rights Council;[1]

14. *Applauds* the commitments made by the Government of Côte d'Ivoire during the various sessions of the Human Rights Council to endorse the Independent Expert's recommendations and its fruitful cooperation with the Independent Expert in the framework of his mandate;

15. *Welcomes* the progress made by the Government of Côte d'Ivoire in promoting respect for and protection of human rights, including its cooperation with the special procedure mandate holders and treaty bodies and its efforts in ratifying international and regional human rights instruments, and encourages it to continue these activities and to continue its efforts to bring its national legislation into conformity with the international and regional instruments that it has ratified by ensuring the effective implementation of those instruments;

16. *Notes with satisfaction* the continued improvement in the humanitarian situation on the ground and calls on United Nations agencies and other relevant actors to continue, at the request of the country, to provide assistance to refugees and internally displaced persons, in conformity with the measures put in place by the Government, so as to encourage their safe and voluntary return to their homes;

17. *Welcomes*, in this regard, the actions of the Ministry of Solidarity, Social Cohesion and Compensation of Victims, which have facilitated the return to Côte d'Ivoire, since 3 May 2016, of nearly 2,000 Ivorian refugees and exiles in Liberia;

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[1] A/HRC/31/78 and A/HRC/32/52.

18. *Notes* the efforts made by the Ivorian authorities to combat sexual violence against women and children, notably with the adoption of a national strategy to curb the phenomenon, and the efforts made to protect children, and calls upon the Government to do everything possible to continue investigations into the recurring allegations of violence against women and children;

19. *Welcomes*, in this regard, the adoption on 3 June 2016, of a decree on the establishment, responsibilities, organization and functioning of the National Committee to Combat Conflict-Related Sexual Violence, which has been tasked with coordinating within national security institutions the efforts of the Government of Côte d'Ivoire to prevent conflict-related sexual violence and respond to such violence and to enhance the fight against impunity for crimes of sexual violence committed by armed men;

20. *Calls upon* the international community to continue, if necessary, to support the reconstruction and reconciliation process under way in Côte d'Ivoire and to provide the assistance requested in the specific areas in which such assistance is necessary, including in strengthening the capacity of the mechanisms for combating violence against women and children;

21. *Calls upon* the Government of Côte d'Ivoire to ensure the full inclusiveness of the constitutional review process, calls upon all Ivorian stakeholders, including political parties, civil society and the media, to continue to work together to consolidate national reconciliation and social cohesion and urges the Ivorian authorities to seize this opportunity to strengthen the legal framework for the protection of human rights in the country;

22. *Requests* the Office of the High Commissioner for Human Rights to provide the technical assistance requested by the Government of Côte d'Ivoire in order to strengthen the capacity of the National Human Rights Commission of Côte d'Ivoire, with a view to closing down the United Nations Operation in Côte d'Ivoire in June 2017, and encourages the Ivorian authorities to bring the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and to provide it with the necessary means to carry out its work independently;

23. *Calls upon* the international community to encourage the national efforts made by Côte d'Ivoire and its institutions to strengthen the rule of law in the country, and to respond to its requests for technical assistance in the humanitarian, educational, health, economic and social spheres;

24. *Also calls upon* the international community to continue to support, upon request, the National Human Rights Commission of Côte d'Ivoire through technical assistance and capacity-building programmes, with a view to enabling it to contribute effectively to the promotion and protection of the fundamental rights of the Ivorian people, in accordance with the Paris Principles;

25. *Decides*, accordingly, to extend, for a final one-year period, until 30 June 2017, the mandate on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights;

26. *Requests* the Independent Expert to submit a report and his or her final recommendations to the Human Rights Council at its thirty-fifth session.

United Nations A/HRC/32/L.28

General Assembly

Distr.: Limited
28 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Angola,* Argentina,* Australia*, Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Côte d'Ivoire, Cyprus,* Czech Republic,* Denmark,* Ecuador, Estonia,* Finland,* France, Georgia, Germany,* Haiti,* Honduras,* Hungary,* Iceland,* Italy,* Latvia, Liechtenstein,* Luxembourg,* Monaco,* Mexico, Montenegro,* Norway,* Peru,* Philippines, Portugal, Republic of Moldova, Romania,* Serbia,* Slovenia, Spain,* Sweden,* Switzerland, Thailand,* the former Yugoslav Republic of Macedonia, Turkey,* Ukraine,* United States of America,* Uruguay:* draft resolution

32/... Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination, and noting the relevant recommendations of the Committee on the Elimination of Discrimination against Women,

Reaffirming the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences,

Welcoming the World Health Organization global plan of action to strengthen the role of the health system within a national multisectoral response to address interpersonal violence, in particular against women and girls, and against children, building on existing

* State not a member of the Human Rights Council.

work of the World Health Organization, in particular its call for the prevention and elimination of all forms of sexual and gender-based violence in public and private life,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council, including those on women, peace and security and on children in armed conflict, and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which affirmed that all forms of violence against women must be condemned and eliminated,

Recalling also the adoption by the General Assembly of the United Nations Declaration on the Rights of Indigenous Peoples in its resolution 61/295 of 13 September 2007,

Outraged by the continued persistence and pervasiveness of all forms of violence against women and girls worldwide, including intimate partner violence, and emphasizing that such violence is a violation, abuse or impairment of human rights and, as such, is completely unacceptable,

Welcoming the agreed conclusions adopted by the Commission on the Status of Women at its sixtieth session and of previous sessions, and its decision to consider the issue of the empowerment of indigenous women at a future session, and acknowledging its intention to make this issue a focus of its sixty-first session,

Welcoming also the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development[1] and the Addis Ababa Action Agenda,[2] in particular the commitment to eliminate all forms of violence against them,

Recognizing the importance of the United Nations Entity for Gender Equality and the Empowerment of Women and its role in leading, coordinating and promoting the accountability of the United Nations system in its work on gender equality and the empowerment of women and girls,

Recalling the outcome document of the World Conference on Indigenous Peoples,[3] in which States committed to intensifying efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous peoples and individuals, in particular women, children, youth, older persons and persons with disabilities, by strengthening legal, policy and institutional frameworks, and recalling the work of indigenous-specific United Nations mechanisms in addressing violence against women and girls,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives, such as the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belém do Pará) to combat violence against women and girls, including indigenous women and girls,

Reiterating the need to intensify efforts at all levels to prevent and eliminate all forms of violence against women and girls, including intimate partner violence, throughout the world, and stressing that women's economic, political and social empowerment is

[1] General Assembly resolution 70/1.

[2] General Assembly resolution 69/313, annex.

[3] General Assembly resolution 69/2.

essential for preventing violence and addressing the underlying causes of violence against women and girls, including indigenous women and girls,

Recognizing that violence against indigenous women and girls cannot be separated from the wider context of discrimination and exclusion to which indigenous persons are often exposed in social, economic, cultural and political life, and deeply concerned about indications that indigenous women and girls are disproportionately affected by violence, including sexual violence, given the multiple and intersecting forms of discrimination to which they may be exposed,

Recognizing also the increased vulnerability of those who are subject to multiple and intersecting forms of discrimination, such as older women, indigenous women, migrant women and women with disabilities, and the particular risk of violence they face, and stressing the urgent need to address violence and discrimination against them,

Deeply concerned that all women and girls, including indigenous women and girls, face a heightened risk of sexual and gender-based violence during times of conflict and humanitarian crises,

Recognizing that violence against women and girls is rooted in historical and structural inequality in power relations between women and men, and that all forms of violence against women and girls constitute a major impediment to their full, equal and effective participation in society, the economy and political decision-making,

Expressing concern at long-standing institutional and structural discrimination against women and girls, including indigenous women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures, services and practices that directly or indirectly restrict access to institutions, property and landownership, health-care services, education, employment and access to credit, which negatively affect their empowerment and increase their vulnerability to violence,

Reaffirming as stated in the United Nations Declaration on the Rights of Indigenous Peoples that indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security,

Alarmed at the high level of impunity with regard to gender-related killings of women and girls, including indigenous women and girls, and recognizing the key role of the criminal justice system in preventing and ending impunity for such crimes,

Concerned that indigenous women and girls may be disproportionately represented in criminal justice systems, and as a result of intersecting discrimination may be more vulnerable to violence in detention or custodial settings,

Recognizing that the absence of adequate gender statistics, including data disaggregated by, inter alia, sex, age and disability, and of specific data on the incidence of violence against women and girls, its context and its perpetrators impedes efforts to design specific intervention strategies to address both the causes and the consequences of violence against women and girls, and to ensure coordinated and consolidated efforts to address gender data gaps,

Expressing concern at the low levels of birth registration among indigenous women and girls, and taking into consideration that registering a person's birth is a vital step towards the promotion and protection of all of his or her human rights, and that persons without birth registration may be more vulnerable to marginalization, exclusion, discrimination, violence, statelessness, exploitation and abuse,

Underscoring that the duty of States to exercise due diligence to provide protection to women and girls, including indigenous women and girls, who have been subjected to or are at risk of violence, includes using all appropriate means of a legal, political, administrative and social nature to provide access to justice, health care and support services that respond to their immediate needs, protect against further harm and continue to address the ongoing consequences of violence for women and girls, including indigenous women and girls, taking into consideration the impact of violence on their families and communities,

1. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls of any age, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and notes the economic and social harm caused by such violence;

2. *Strongly condemns* all acts of violence against women and girls, including against indigenous women and girls, whether these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of sexual and gender-based violence, including where perpetrated or condoned by the State, as described in the Declaration on the Elimination of Violence against Women;

3. *Underscores* that violence against women and girls, including indigenous women and girls, whether committed in the public or private sphere, is a matter of grave public concern and that States have the primary responsibility for protecting and promoting the human rights of women and girls, and in this respect strongly urges States to take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy full protection and guarantees against all forms of violence and discrimination in policy and in practice;

4. *Continues to express particular concern* at the systemic and structural discrimination and violence faced by women human rights defenders of all ages, including indigenous women and girl human rights defenders, and calls upon all States to exercise due diligence in preventing violations and abuses against all human rights defenders, including through practical steps, to prevent threats, harassment and violence against women human rights defenders, who face particular risks, and in combating impunity by ensuring that those responsible for violations and abuses, including gender-based violence and threats against women human rights defenders, committed by State or non-State actors, including online, are promptly brought to justice through impartial investigations;

5. *Expresses concern* that domestic violence, including intimate partner violence, is the most prevalent and least visible form of violence against all women and girls, and that its consequences are long-lasting and profound, and affect many areas in the lives of victims and their communities;

6. *Recognizes* the critical role of women and girls, including indigenous women and girls, as agents of change, and in this regard urges States to engage and consult with indigenous women and girls as active and equal participants in the planning, design and implementation of legislation, policies and programmes;

7. *Calls upon* States to take effective action to prevent violence against women and girls, including indigenous women and girls, by:

(a) Developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes and risk factors of violence against women and girls, including indigenous women and girls, and ensuring that laws and policies are harmonized to address widespread violence against women and are in compliance with their international human rights obligations;

(*b*) Abolishing practices and legislation that discriminate against women and girls, including indigenous women and girls, eliminating prejudices, harmful practices, and gender stereotypes, and raising awareness of the unacceptability of violence against women and girls;

(*c*) Taking measures to empower women by, inter alia, strengthening their economic autonomy and ensuring their full and equal participation in society and in decision-making processes by adopting and implementing social and economic policies that guarantee women full and equal access to quality education, including comprehensive sexuality education, and training, and affordable and adequate public and social services, as well as full and equal access to financial resources and decent work, and full and equal rights to own and to have access to and control over land and other property, and guaranteeing women's and girls' inheritance rights;

(*d*) Removing gender bias and other forms of discrimination from the administration of justice, and enhancing the capacity of law enforcement officials to deal appropriately with all forms of violence against women and girls, including against indigenous women and girls, by providing systematic gender sensitivity training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender considerations into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(*e*) Engaging, educating, encouraging and supporting men and boys to take responsibility for their behaviour and to become active partners in the prevention and elimination of all forms of discrimination and violence against all women and girls, including indigenous women and girls, and to end the stigmatization of victims and survivors of violence by encouraging a change in attitudes, perceptions of masculinity, gender stereotypes and other norms and behaviour through the promotion of gender equality;

(*f*) Measuring the effectiveness of policies and programmes to prevent violence against women and girls, including by carrying out regular evaluation and monitoring, and ensuring that they do not put indigenous women and girls at any additional risk;

(*g*) Ensuring free birth registration, including free or low-fee late birth registration, and further identifying and removing physical, administrative, procedural and any other barriers that impede access to birth registration, particularly barriers faced by indigenous women and girls, ensuring adequate training, and increasing, as needed, the accessibility of birth registration facilities;

8. *Urges* States to condemn strongly and publicly all forms of violence against women and girls, including indigenous women and girls, and to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination, including harmful practices, such as child, early and forced marriage and female genital mutilation;

9. *Also urges* States to ensure the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks and the strengthening of health systems that make universally accessible and available quality, comprehensive sexual and reproductive health-care services, commodities, information and education, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric

care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, recognizing that human rights include the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

10. *Further urges* States to take effective measures in support of the right of indigenous peoples, without discrimination, to the improvement of their economic and social conditions, including in, inter alia, the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, as referred to in the United Nations Declaration on the Rights of Indigenous Peoples;

11. *Encourages* States to work with women, including indigenous women, to stimulate their access to economic activities and to increase their level of employment, and to implement measures such as training, the provision of technical assistance and credit facilities;

12. *Also encourages* States to improve the collection, harmonization and use of data disaggregated by sex, administrative data, including, where appropriate, from the police, the health sector and the judiciary, on incidents of all forms of violence against women and girls, including against indigenous women and girls, such as data on the relationship between the perpetrator and victim and geographic location, ensuring that confidentiality and ethical and safety considerations are taken into account in the process of data collection, and improving the effectiveness of the services and programmes provided and protecting the safety and security of the victim;

13. *Encourages* the media to examine the impact of gender-role stereotypes, including those perpetuated by commercial advertisements that foster gender-based violence and inequalities, to promote zero tolerance for such violence and to remove the stigma of being a victim and survivor of violence, thus creating an enabling and accessible environment where women and girls can easily report incidents of violence and make use of the services available, including protection and assistance programmes;

14. *Calls upon* States to take effective action to respond to violence against women and girls, including indigenous women and girls, and to protect all victims and survivors by:

(*a*) Taking practical and concrete steps to create an enabling environment where women and girls can easily report incidents of violence, including by providing law enforcement officials, health-care providers and other first responders with human rights training to ensure services that are responsive to trauma and free from discrimination;

(*b*) Adopting and funding policy reforms and programmes, and supporting education, in order to sensitize, train and strengthen the capacity of public officials and professionals, including the judiciary, the police and the military, as well as those working in the areas of education, health, social welfare, justice, defence and immigration, and holding public officials accountable for not complying with laws and regulations relating to violence against women and girls, in order to prevent and respond to such violence in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and the revictimization of victims and survivors;

(*c*) Establishing comprehensive, coordinated, interdisciplinary, accessible and sustained multisectoral services, programmes and responses at all levels, and with the support of all available technologies, for all victims and survivors of all forms of violence against women and girls based on their needs, that are adequately resourced and include effective and coordinated action by, as appropriate, the police and the justice sector, legal

aid services, health-care services, including sexual and reproductive health, and medical, psychological and other counselling services, including specialist services as appropriate, State and independent women's shelters and counselling centres, 24-hour hotlines, social aid services, one-stop crisis centres, immigration services, child services, public housing services to provide low-threshold, easy-to-reach and safe assistance for women and children, as well as assistance, protection and support through access to long-term accommodation, educational, employment and economic opportunities, and to take steps to ensure the safety and security of health-care workers and service providers who assist and support victims and survivors of violence and, in cases of girl victims, to ensure that such services and responses take into account the best interests of the child;

(*d*) Adopting measures to raise the awareness of women and girls, including indigenous women and girls, and in particular those at known risk of sexual and gender-based violence, of their rights, the law and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families that have experienced violence, and ensuring that timely and appropriate information is available to all women and girls who have been subjected to violence, when possible in a language in which they can effectively communicate, and at all stages of the justice system;

(*e*) Ensuring women's and girls', including indigenous women's and girls', unimpeded access to justice, effective legal assistance and information regarding their human rights without discrimination so that they have access to just and effective remedies for the harm that they have experienced, including through the adoption of national legislation;

(*f*) Ensuring that remedies for women and girls subjected to violence, whether judicial, administrative, policy or other measures, are available, accessible, acceptable, age- and gender-sensitive and adequately address victims' needs, including by protecting confidentiality, preventing the stigmatization, revictimization or further harm to victims, allowing reasonable time for women subjected to violence to come forward to seek redress, ensuring reasonable evidentiary standards;

(*g*) Developing and implementing the establishment of rehabilitative services in order to encourage and bring changes in the attitudes and behaviour of perpetrators of violence against women and girls and to reduce the likelihood of reoffending, and to monitor and assess their impact and effect;

15. *Calls upon* States to consider ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination and the optional protocols thereto, and to cooperate through regional conventions, instruments and initiatives to prevent and respond effectively to violence against women and girls;

16. *Welcomes* the mandate and the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her report,[1] in which she sets out the priorities of her mandate;

17. *Decides* to extend the mandate of the Special Rapporteur on violence against women, its causes and consequence, as set out by the Human Rights Council in its resolution 16/7 of 24 March 2011, for a period of three years;

[1] A/HRC/32/42 and Corr.1

18. *Encourages* other special procedures to consider the issue of multiple and intersecting forms of discrimination and vulnerabilities faced by women and girls, including indigenous women and girls, in their respective mandates;

19. *Welcomes* the panel discussion on violence against women and girls, held during the annual full-day discussion on women's human rights at the thirty-second session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the discussion to the Council at its thirty-third session;

20. *Requests* the Special Rapporteur on violence against women, its causes and consequences to attend and participate in one session annually, upon invitation, of the Commission on Crime Prevention and Criminal Justice of the United Nations Office on Drugs and Crime in order to accelerate the implementation of the goals of the Special Rapporteur on prevention of and response to violence against women;

21. *Encourages* regular consultations by the Special Rapporteur on violence against women, its causes and consequences, with the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund and the Statistics Division of the United Nations on the issue of disaggregated data on violence against women and effective ways of advancing the elimination of violence against women;

22. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

United Nations A/HRC/32/L.28/Rev.1

General Assembly

Distr.: Limited
30 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Angola,* Argentina,* Armenia,* Australia*, Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Côte d'Ivoire, Croatia,* Cyprus,* Czech Republic,* Denmark,* Ecuador, El Salvador, Estonia,* Finland,* France, Georgia, Germany,* Ghana, Greece,* Haiti,* Honduras,* Hungary,* Iceland,* Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Mongolia, Montenegro,* Norway,* Panama, Peru,* Philippines, Portugal, Republic of Korea, Republic of Moldova,* Romania,* Rwanda,* Senegal,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Thailand,* the former Yugoslav Republic of Macedonia, Tunisia,* Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America,* Uruguay:* draft resolution

32/... Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences,

Welcoming the World Health Organization global plan of action to strengthen the role of the health system within a national multisectoral response to address interpersonal

* State not a member of the Human Rights Council

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violence, in particular against women and girls, and against children, building on existing work of the World Health Organization, in particular its call for the prevention and elimination of all forms of sexual and gender-based violence in public and private life,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council, including those on women, peace and security and on children in armed conflict, and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which affirmed that all forms of violence against women must be condemned and eliminated,

Recalling also the adoption by the General Assembly of the United Nations Declaration on the Rights of Indigenous Peoples in its resolution 61/295 of 13 September 2007,*Recalling further* Human Rights Council resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with these resolutions and the annexes thereto,

Outraged by the persistence and pervasiveness of all forms of violence against women and girls worldwide, including intimate partner violence, and emphasizing that such violence is a violation, abuse or impairment of human rights and, as such, is completely unacceptable,

Welcoming the agreed conclusions adopted by the Commission on the Status of Women at its sixtieth session and of previous sessions, and its decision to consider the issue of the empowerment of indigenous women at a future session, and acknowledging its intention to make this issue a focus of its sixty-first session,

Welcoming also the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development[1] and the Addis Ababa Action Agenda,[2] in particular the commitment to eliminate all forms of violence against them,

Recognizing the importance of the United Nations Entity for Gender Equality and the Empowerment of Women and its role in leading, coordinating and promoting the accountability of the United Nations system in its work on gender equality and the empowerment of women and girls,

Recognizing also the important role of the Commission on the Status of Women in promoting gender equality and the empowerment of women, based on the full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, and in promoting and monitoring gender mainstreaming within the United Nations system, and encourages the Commission to contribute to the follow-up to the 2030 Agenda for Sustainable Development in order to accelerate the realization of gender equality and the empowerment of women and girls,

Recalling the outcome document of the World Conference on Indigenous Peoples,[3] in which States committed to intensifying efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous peoples and individuals, in particular women, children, youth, older persons and persons with disabilities, by strengthening legal, policy and institutional frameworks, and recalling the work of indigenous-specific United Nations mechanisms in addressing violence against women and girls,

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[1] General Assembly resolution 70/1.
[2] General Assembly resolution 69/313, annex.
[3] General Assembly resolution 69/2.

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives to combat violence against women and girls, including indigenous women and girls,

Reiterating the need to intensify efforts at all levels to prevent and eliminate all forms of violence against women and girls, throughout the world, and stressing that women's economic, political and social empowerment is essential for preventing violence and addressing the underlying causes of violence against women and girls, including indigenous women and girls,

Recognizing that violence against indigenous women and girls cannot be separated from the wider context of discrimination and exclusion to which indigenous persons are often exposed in social, economic, cultural and political life, and deeply concerned about indications that indigenous women and girls are disproportionately affected by violence, including sexual violence, given the multiple and intersecting forms of discrimination to which they may be exposed,

Recognizing also the increased vulnerability of those who are subject to multiple and intersecting forms of discrimination, such as older women, indigenous women, migrant women and women with disabilities, and the particular risk of violence they face, and stressing the urgent need to address violence and discrimination against them,

Deeply concerned that all women and girls, including indigenous women and girls, face a heightened risk of sexual and gender-based violence during times of conflict and humanitarian crisis situations,

Recognizing that violence against women and girls is rooted in historical and structural inequality in power relations between women and men, and that all forms of violence against women and girls constitute a major impediment to their full, equal and effective participation in society, the economy and political decision-making,

Expressing concern at institutional and structural discrimination against women and girls, including indigenous women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures, services and practices that directly or indirectly restrict access to institutions, property and landownership, health-care services, education, employment and access to credit, which negatively affect their empowerment and increase their vulnerability to violence,

Reaffirming as stated in the United Nations Declaration on the Rights of Indigenous Peoples that indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security,

Alarmed at the high level of impunity with regard to gender-based violence, including gender-related killings of women and girls, including indigenous women and girls, and recognizing the key role of the criminal justice system in preventing and ending impunity for such crimes,

Concerned that indigenous women and girls may be overrepresented in criminal justice systems and may be more marginalized, and thus experience more violence before, during and after the period of incarceration,

Recognizing that the absence of adequate gender statistics, including data disaggregated by, inter alia, sex, age and disability, and of specific data on the incidence of violence against women and girls, its context and its perpetrators impedes efforts to design specific intervention strategies to address both the causes and the consequences of violence

against women and girls, and to ensure coordinated and consolidated efforts to address gender data gaps,

Expressing concern at the low levels of birth registration among indigenous women and girls, and taking into consideration that registering a person's birth is a vital step towards the promotion and protection of all of his or her human rights, and that persons without birth registration may be more vulnerable to marginalization, exclusion, discrimination, violence, statelessness, exploitation and abuse,

Underscoring that the duty of States to exercise due diligence to provide protection to women and girls, including indigenous women and girls, who have been subjected to or are at risk of violence, includes using all appropriate means of a legal, political, administrative and social nature to provide access to justice, health care and support services that respond to their immediate needs, protect against further harm and continue to address the ongoing consequences of violence for women and girls, including indigenous women and girls, taking into consideration the impact of violence on their families and communities,

1. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls of any age, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and notes the economic and social harm caused by such violence;

2. *Strongly condemns* all acts of violence against women and girls, including against indigenous women and girls, whether these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of sexual and gender-based violence, including where perpetrated or condoned by the State, as described in the Declaration on the Elimination of Violence against Women;

3. *Underscores* that violence against women and girls, including indigenous women and girls, whether committed in the public or private sphere, is a matter of grave public concern and that States have the primary responsibility for protecting and promoting the human rights of women and girls, and in this respect strongly urges States to take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy full protection and guarantees against all forms of violence and discrimination in policy and in practice;

4. *Continues to express particular concern* at the systemic and structural discrimination and violence faced by women human rights defenders of all ages, including indigenous women and girl human rights defenders, and calls upon States to exercise due diligence in preventing violations and abuses against all human rights defenders, including through practical steps, to prevent threats, harassment and violence, and in combating impunity by ensuring that those responsible for violations and abuses, including gender-based violence and threats, committed by State or non-State actors, including online, are promptly brought to justice through impartial investigations;

5. *Expresses concern* that violence in the private sphere, including domestic violence, is the most prevalent and least visible form of violence against all women and girls, and that its consequences are long-lasting and profound, and affect many areas in the lives of victims and their communities;

6. *Recognizes* the critical role of women and girls, including indigenous women and girls, as agents of change, and in this regard urges States to engage and consult with indigenous women and girls as active and equal participants in the planning, design and implementation of legislation, policies and programmes;

7. *Calls upon* States to take effective action to prevent violence against women and girls, including indigenous women and girls, by:

(*a*) Developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes and risk factors of violence against women and girls, including indigenous women and girls, and ensuring that laws and policies are harmonized to address widespread violence against women and are in compliance with their international human rights obligations;

(*b*) Abolishing practices and legislation that discriminate against women and girls, including indigenous women and girls, eliminating prejudices, harmful practices, and gender stereotypes, and raising awareness of the unacceptability of violence against women and girls;

(*c*) Taking measures to empower women by, inter alia, strengthening their economic autonomy and ensuring their full and equal participation in society and in decision-making processes by adopting and implementing social and economic policies that guarantee women full and equal access to quality education, including comprehensive sexuality education, and training, and affordable and adequate public and social services, as well as full and equal access to financial resources and decent work, and full and equal rights to own and to have access to and control over land and other property, and guaranteeing women's and girls' inheritance rights;

(*d*) Removing gender bias and other forms of discrimination from the administration of justice, and enhancing the capacity of law enforcement officials to deal appropriately with all forms of violence against women and girls, including against indigenous women and girls, by providing systematic gender sensitivity training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender considerations into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(*e*) Engaging, educating, encouraging and supporting men and boys to take responsibility for their behaviour and to become active partners in the prevention and elimination of all forms of discrimination and violence against all women and girls, including indigenous women and girls, and to end the stigmatization of victims and survivors of violence by encouraging a change in attitudes, perceptions of masculinity, gender stereotypes and other norms and behaviour through the promotion of gender equality;

(*f*) Measuring the effectiveness of policies and programmes to prevent violence against women and girls, including by carrying out regular evaluation and monitoring, and ensuring that they do not put indigenous women and girls at any additional risk;

(*g*) Ensuring free birth registration, including free or low-fee late birth registration, and further identifying and removing physical, administrative, procedural and any other barriers that impede access to birth registration, particularly barriers faced by indigenous women and girls, ensuring adequate training, and increasing, as needed, the accessibility of birth registration facilities;

8. *Urges* States to condemn strongly and publicly all forms of violence against women and girls, including indigenous women and girls, and to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination, including harmful practices, such as child, early and forced marriage and female genital mutilation;

9. *Also urges* States to ensure the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights, in

accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks and the strengthening of health systems that make universally accessible and available quality, comprehensive sexual and reproductive health-care services, commodities, information and education, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, recognizing that human rights include the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

10. *Further urges* States to take effective measures in support of the right of indigenous peoples, without discrimination, to the improvement of their economic and social conditions, including in, inter alia, the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, as referred to in the United Nations Declaration on the Rights of Indigenous Peoples;

11. *Encourages* States to adopt and strengthen sound policies, enforceable legislation and transformative actions for the promotion of gender equality and women's and girls' empowerment at all levels, including of indigenous women and girls, to promote their equal rights, access to and opportunities for participation and leadership in the economy, and to eliminate gender-based violence and discrimination in all its forms;

12. *Also encourages* States to improve the collection, harmonization and use of data disaggregated by sex, administrative data, including, where appropriate, from the police, the health sector and the judiciary, on incidents of all forms of violence against women and girls, including against indigenous women and girls, such as data on the relationship between the perpetrator and victim and geographic location, ensuring that confidentiality and ethical and safety considerations are taken into account in the process of data collection, and improving the effectiveness of the services and programmes provided and protecting the safety and security of the victim;

13. *Encourages* the media to examine the impact of gender-role stereotypes, including those perpetuated by commercial advertisements that foster gender-based violence and inequalities, to promote zero tolerance for such violence and to remove the stigma of being a victim and survivor of violence, thus creating an enabling and accessible environment where women and girls can easily report incidents of violence and make use of the services available, including protection and assistance programmes;

14. *Calls upon* States to take effective action to respond to violence against women and girls, including indigenous women and girls, and to protect all victims and survivors by:

(*a*) Taking practical and concrete steps to create an enabling environment where women and girls can easily report incidents of violence, including by providing law enforcement officials, health-care providers and other first responders with human rights training to ensure services that are responsive to trauma and free from discrimination;

(*b*) Adopting and funding policy reforms and programmes, and support education, in order to sensitize, train and strengthen the capacity of public officials and professionals, including the judiciary, the police and the military, as well as those working in the areas of education, health, social welfare, justice, defence and immigration; and holding public officials accountable for not complying with laws and regulations relating to

violence against women and girls, in order to prevent and respond to such violence in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and the revictimization of victims and survivors;

(*c*) Establishing comprehensive, coordinated, interdisciplinary, accessible and sustained multisectoral services, programmes and responses at all levels, and with the support of all available technologies, for all victims and survivors of all forms of violence against women and girls based on their needs, that are adequately resourced and include effective and coordinated action by, as appropriate, the police and the justice sector, legal aid services, health-care services, including sexual and reproductive health, and medical, psychological and other counselling services, including specialist services as appropriate, State and independent women's shelters and counselling centres, 24-hour hotlines, social aid services, one-stop crisis centres, immigration services, child services, public housing services to provide low-threshold, easy-to-reach and safe assistance for women and children, as well as assistance, protection and support through access to long-term accommodation, educational, employment and economic opportunities, and to take steps to ensure the safety and security of health-care workers and service providers who assist and support victims and survivors of violence and, in cases of girl victims, to ensure that such services and responses take into account the best interests of the child;

(*d*) Adopting measures to raise the awareness of women and girls, including indigenous women and girls, and in particular those at known risk of sexual and gender-based violence, of their rights, the law and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families that have experienced violence, and ensuring that timely and appropriate information is available to all women and girls who have been subjected to violence, when possible in a language in which they can effectively communicate, and at all stages of the justice system;

(*e*) Ensuring women's and girls', including indigenous women's and girls', unimpeded access to justice, effective legal assistance and information regarding their human rights without discrimination so that they have access to just and effective remedies for the harm that they have experienced, including through the adoption of national legislation;

(*f*) Ensuring that remedies for women and girls subjected to violence, whether judicial, administrative, policy or other measures, are available, accessible, acceptable, age- and gender-sensitive and adequately address victims' needs, including by protecting confidentiality, preventing the stigmatization, revictimization or further harm to victims, allowing reasonable time for women subjected to violence to come forward to seek redress, ensuring reasonable evidentiary standards;

(*g*) Developing and implementing the establishment of rehabilitative services in order to encourage and bring changes in the attitudes and behaviour of perpetrators of violence against women and girls and to reduce the likelihood of reoffending, and to monitor and assess their impact and effect;

15. *Calls upon* States to consider ratifying or acceding to all relevant instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination and the optional protocols thereto, and to cooperate through regional conventions, instruments and initiatives to prevent and respond effectively to violence against women and girls;

16. *Welcomes* the mandate and the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her report,[3] in which she sets out the priorities of her mandate;

17. *Decides* to extend the mandate of the Special Rapporteur on violence against women, its causes and consequence, as set out by the Human Rights Council in its resolution 23/25 of 14 June 2013, for a period of three years;

18. *Encourages* the special procedures to consider the issue of multiple and intersecting forms of discrimination faced by women and girls, including indigenous women and girls, within their existing mandates, where applicable;

19. *Welcomes* the panel discussion on violence against women and girls, held during the annual full-day discussion on women's human rights at the thirty-second session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the discussion to the Council at its thirty-third session;

20. *Requests* the Special Rapporteur on violence against women, its causes and consequences to hold consultations or participate in the work, as appropriate, and by the invitation of the Commission on Crime Prevention and Criminal Justice of the United Nations Office on Drugs and Crime in order to accelerate the implementation of the goals of the Special Rapporteur on prevention of and response to violence against women;

21. *Encourages* regular consultations by the Special Rapporteur on violence against women, its causes and consequences, with, inter alia, the Commission on the Status of Women, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund and the Statistics Division of the United Nations on the issue of disaggregated data on violence against women and effective ways of advancing the elimination of violence against women;

22. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

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[3] A/HRC/32/42 and Corr.1.